

Board of Selectmen's Meeting Minutes
Monday, October 26, 2009
6:30 pm Town Hall
Newington, NH

Public Hearing: Decal Ordinance/Gate Installation Fox Point

The meeting was called to order at 6:33pm.

Present: Chr. Jack O'Reilly, Selectmen Jan Stuart and Cosmas Iocovozzi, Administrative Assistant Beatrice Marconi and members of the public.

Following the Pledge of Allegiance, Board of Selectmen Chairman O'Reilly opened the public hearing at 6:35pm giving an overview for the purpose of this meeting, mentioning the number of out of town or out of state vehicles observed at Fox Point – which is designated for residents only. He went on to read the temporary decal ordinance passed Aug. 3rd, spoke of the comments received at the Selectmen's meeting of Aug 17th whereas a temporary amended version was put in place until such a time as a public hearing could be held on the topic.

Town Land Use Restrictions and Decal Policy Ordinance 86-02 as of Aug 3, 2009

PROHIBITED USE OF TOWN PICNIC AREA, TOWN OWNED LAND ON FOX POINT
and CARTER'S LANE PARK and
WHERE DISPLAY OF RESIDENT DECALS REQUIRED

- 1). Use of the Town Picnic Area, so called, adjacent to the Old Town Hall on Nimble Hill Road, including Picnic Area, Ball Field and all adjacent Town owned land; and all of the Town owned land on Fox Point and Carter's Lane Town owned land, shall be restricted to Town Residents and their bona fide guests* with such exceptions as the Selectmen shall grant in writing. Town owned lands shall not be used between 9:00pm and 8:00am without written permission from the Selectmen. **(bona fide guests must be accompanied by the Town resident when using facility.)*
- 2). The use of Motor Vehicles within the Town Picnic area, to include the Picnic Area, Ball Field and all adjacent Town land and Carter's Lane Town owned land shall be prohibited at all times without the permission of the Selectmen. This restriction shall not apply to vehicles actively engaged in town maintenance, police patrol, fire patrol or other vehicles whose presence in those areas shall be required to conduct town business.
- 3). Resident decals shall be visibly displayed in the assigned vehicle and are required to use certain Town facilities. Town facilities requiring proper decal display are:
All Town owned land on Fox Point, Carter's Lane Park, Boat Ramps, Transfer Station & Recycling.
- 4). Any person found to have violated any provision of this ordinance shall be subject to ticketing and fined not more than One Hundred Dollars (\$100). This could also result in the towing of the vehicle at owner's expense and loss of right to use any facility.

Temporary Amendment-August 17, 2009

At their meeting held Aug 17, after discussion, *Selectman Iocovozzi*, in lieu of decal placement visibly in vehicle, ***moved for the resident to temporary write a note for the windshield for Bona Fide guests' vehicles to include their name (resident and vehicle owner), address,***

date and sticker or plate number. Selectman Stuart seconded for discussion. Motion passed 3-0 on a roll call vote.

The Chair then called for comments.

Sandy Hislop – Old Post Road

He owns a boat that he could sleep on but can't park over night as Fox Pt closes at 9:00pm.

Ruth Fletcher – Little Bay Road

would rather a gate not be installed at Fox Pt.

Regarding the gate concept, Chr. O'Reilly stated a resident asked if the Board considered the installation of an access gate. Therefore he sought out costs to present for informational reasons. He stated the gate system would be in the vicinity of \$8,100. With there obviously little support in the audience for that installation, he felt the idea will probably die this evening.

Tim Field – Newington Road

asked what is to stop someone walking around gate for access. He asked what purpose it would serve to tag or tow a resident and asked for an idea of just how many vehicles are causing problems.

Selectman Stuart explained without a note or decal it is harder to identify a non resident. She goes on to say that the policy is asking residents to use a decal to save time in running a plate.

Larry Rumano – Fox Point Road

asked for statistics showing the problems requiring a policy. He said to fix a problem, it first had to be identified, analyzed and tracked to be able to judge success of the change. He also wondered how we would let everyone know of the changes.

Selectman Stuart spoke of the numerous observations and resident calls and stated for the Police to enforce, the ordinance needed teeth. As far as logged complaints coming into the police dept, they would have the numbers. She stated that as far as letting people know of policy changes, she felt between our web site posting, newsletters, minutes, we have many avenues.

Dave Sweeney – Fox Point Road

admitted he spends a lot of time at Fox Point and personally observed no problems. He had also spoken with the police department and provided a copy of a log for the Board.

Gary Kiedaisch – Motts Cove

spoke in favor of a decal policy as decals would be handed out upon car registration along with any guest decal needs. (as done in Gilford)

Edna Mosher – Nimble Hill Road

questioned whether decals were to be simply displayed or actually attached. Also asked about a non-resident property owner and what rights they had.

Selectman Stuart answered that display was fine and regarding non resident property owners, that common sense will come into play based on certain scenarios. She goes on to say that obviously not all situations can be written into the policy, however in cases in question, exceptions can be addressed by the board. Selectman Stuart added that personally she believed that children of residents (who no longer live in town) should be allowed as well to use the point.

Ruth Fletcher

questioned the accompaniment of a resident with their guest.

Chr. O'Reilly also feels that resident children be allowed on Fox Pt even without the resident present.

Tim Field – Newington Road

suggested the town make money on the passes like Newcastle.

Jennifer Mulstay

questioned the need of the resident accompanying the guest and went on to ask about number of passes per family, what happens in case the pass gets misplaced, etc.

Tom Mulstay

felt that with a name on the pass, it could be rightfully returned.

Gail Pare-Little Bay Road

asked if a designated place on the vehicle is a requirement.

Badger Baird

felt Fox Point should allow non resident bikers and hikers and asked if this was an out of town vehicle problem or out of town people problem.

Selectman Stuart spoke of an influx of characters and lewd activities that occurred at the point in the past that necessarily did not involve out of town vehicles. Chr. O'Reilly then noted that Fox Point is a recreational area – cross country skiing, etc. Would Newcastle welcome non-residents?

Larry Rumano

asked that if the police are checking plates, what is the need for decals.

Chr. O'Reilly responded by stating that if there is no decal, it could be ticketed whether the plate is run or not.

Pete MacDonald

suggested that as in other communities, decals are required to be displayed in a specific area.

Kathy Rumano

asked if she were to go to the other locations listed, will she be asked to leave if she does not have a decal.

Selectman Stuart responded by stating that no tickets have been issued at this point and that it was not the police's intentions to go after residents.

Larry Rumano

then stated that perhaps the 'historical sites ahead' sign should be taken down if non residents are discouraged from Newington.

Gail Pare

stated that 5 vehicles (non resident) or so visit the historical district each week whether to eat their lunch or enjoy the tranquility. She sees no problem with that.

Selectman Stuart feels the problem may not be visible to everyone or brought to everybody's attention.

Larry Rumano

said that maybe we should boot the non resident children using our fields for soccer and their fans. *Chr. O'Reilly felt that this public hearing was beneficial as he agreed as written the current policy could be confusing.*

Kathy Rumano

noted that the people in the audience don't seem to see the problems that the Board sees.

Patti Borkland

said that she spoke to John Frink who was unaware of any problems at Fox Point. She personally visits the point multiple times per week and never once had a problem. She has spoken to the out of state vehicle owners as she is not shy. She did however, recognize a problem with boat ramp users parking.

Chris Bellmare – Little Bay Road

stated he spends a lot of time at Fox Point and has called the police on several occasions for like use of drugs, sexual activity and even out of state plates. He recognizes a problem as he has witnessed different situations.

Jack Pare

who was against a gate concept added that human presence is important on Fox Point as it is a good deterrent. *Chr. O'Reilly mentioned that this topic will be discussed Nov 17 at the Fox Point Pavilion public hearing.*

Larry Rumano

asked if a policy was necessary or wasn't the 'residents only' sign adequate – giving the police the authority they need to remove.

Chr. O'Reilly noted that this amendment was put in motion to give bite to the ordinance. Decal policy has been on the books since as early as 1985. He went on to voice a concern that was discussed at the Aug 17 meeting that being – if a resident, who doesn't drive needed to utilize a non resident's vehicle to access a facility, he felt issuing a guest decal pass for guests to all families was not out of the question. Selectman Stuart did not feel this policy is as large of an issue as it was being made out to be as common sense would be used in enforcement – as in other towns. It is not the intent to chase residents out of Fox Point.

Peg Lamson

asked if this was being brought on by the police requesting more bite.

Selectman Stuart answered no as the concerns were brought to the Board and it was the Board that felt it was a problem and asked for increased police patrols. During conversations about the matter, it was discussed if an ordinance with bite would be more effective. Chr O'Reilly spoke of the work in progress of the laminated passes and said that display of decal is helpful.

He added that as far as he knew, foot traffic was not part of the problem as the point is for recreational purposes.

Denis Hebert – Gundalow Landing

asked if any conditions were listed in the deed such as for residents only. *Both Chr. O'Reilly and Selectman Stuart said nothing was in the deed nor in the warrant article to purchase.* He also spoke of

the decal requirement at the transfer station and didn't think it would work and felt the resident should be accompanying the user.

Kathy Rumano –*inaudible*

Larry Rumano

spoke of the decal being necessary for the recycling area and that no one checks at the transfer station either. Mr. Daigle knows everyone. He went on to say that it would be a challenge to start this process immediately because car registrations continue over a period of time-guest pass issuance would be a problem and placing the name of the permitting resident would be invasion of privacy.

Chr. O'Reilly stated that if someone comes to the transfer station that Craig didn't know, the first thing he would do is check for the decal. He does a great job. (audience agreed) He went on to say that we have several means to get the word out.

Edna Mosher

asked if there was any problem with an out of town person transporting an aunt's trash.

Chr. O'Reilly suggested to get a decal (or permit) from Town Hall for this purpose.

Mike Marconi – Coleman Drive

did not feel the gate concept is the solution.

Chr. O'Reilly stated that the gate installation was no longer a consideration.

Tim Field

commented that he got irritated when his son was spoken to by the Newington Police who he said were quite stern. He got irritated with the threat of a fine. He also had concerns with having the resident accompany the guest.

When asked why the police were not in attendance this evening, *Selectman Iocovozzi stated that this was not a police matter. It was a policy matter with Chr. O'Reilly stating that it didn't dawn on the Board to have them present.*

Ruth Fletcher

asked if her out of town guests would be asked to leave if, say, she reserved the picnic grove.

Chr. O'Reilly stated that when you reserve a facility, and you fill in a facility use form, once the Selectmen authorize, then you can have your guests come from where ever. This ordinance would not be for those types of events.

Chr. O'Reilly said that the Board could not address every situation in writing the ordinance when posed with a 'what if' scenario. Both Selectmen Stuart and Iocovozzi agreed. He went on to say that if anyone sees someone that they feel shouldn't belong there, the police can be called.

Guess passes will be available at Town Hall, if not mailed to each family. We have to address points of the ordinance as written. Discuss the issues raised this evening.

Patti Borkland

truly couldn't see any big deal with the decal requirement going into effect as you could get them upon car registration or request them at town hall. We are all just 2 minutes away.

Pete MacDonald agreed. Get a decal and place it in your windshield.

Kathy Rumano

Asks what if you have a teenager who forgets to get a guess pass, is there any recourse?

Selectman Stuart answered by saying somewhere along the line we have to take responsibility and that is including our teenagers. Chr. O'Reilly added that decal mandates are common in area communities and the lakes region.

Kathy Romano adds that never before has she seen a decal requirement and just because it is common, doesn't mean its good.

Jack O'Reilly summarized the suggested changes

- 1). Eliminate the time restrictions for use at Fox Point**
- 2). Decals or guest passes in all vehicles - both resident and guest vehicles
(until the Selectmen vote on these new amendments, a note in the windshield is fine which should list the owner's name and address in which you are a guest of)**
- 3). Resident does not have to accompany guest at Fox Point when authorized with a decal**
- 4). Decal required to be displayed on vehicles utilizing the transfer station - resident must accompany the non-resident if transporting trash in other than the resident's vehicle.**

Len Thomas

Would like to know what harm in offering a place in-town for the teenagers to go with no time restrictions.

Selectman Stuart answered by noting there have been a number of fires, especially at Dutchess Point that are problematic.

Len Thomas then asked if there was an alternate place for them to congregate – Carter's Lane was mentioned along with it having a fire pit as there have been times when loads of trash have been found 'down back' at Fox Pt. Chr. O'Reilly said although this could be discussed at another time and another night, if and when the pavilion is built, there are thoughts that it would include a couple of bar-b-ques with accompanying trash barrels.

Larry Rumano

then adds that it looks like the only person showing evidence of a problem at Fox Pt was Mr. Bellmare and he barely admits we are able to address these concerns.

Selectman Stuart then states that the consensus of the majority of the people spoken this evening do not have a problem with decals and placing them in their vehicles and that the issues have been covered this evening.

Tim Fields

spoke out and said he had a problem with the fine.

Selectman Stuart said in conversations with the PD, common sense will be utilized and that the Police have no intensions of going out to the point to go after the residents.

Patti Borkland

notes if you are heading to Fox Point and need a decal, what is the big deal in getting one at Town Hall?

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Chairman O'Reilly then called for any other speakers. Hearing none, he declared the public hearing closed at 7:45pm. He thanked everyone for their input which was followed by a motion to adjourn by Selectman Stuart, seconded by Selectman Iocovozzi. Motion passed 3-0.

Respectively Submitted

Beatrice Marconi
Administrative Assistant