

Selectmen's PUBLIC HEARING Minutes

Monday, May 1, 2017

PUBLIC HEARING:

To accept testimony regarding proposed improvements to the Hinsdale Shooting Range and proposed amendment to the Shooting Range Ordinance

To accept testimony regarding a proposed amendment to the Hawker, Peddler, and Itinerant Vendor Ordinance

To accept testimony regarding a proposed Damaged Mailbox Policy

Present: Chairman Diorio, Selectmen Gallagher, Darcy, McCosker and Rideout; and T.A. Collins.

7:02 p.m. Chairman Diorio opened the public hearing.

Chief Faulkner was present, as well as members of the public.

Chairman Diorio read the public hearing announcement. He outlined that Chief Faulkner would speak, Selectmen would have questions for Chief Faulkner and then the public would have the opportunity to speak, giving their name and address. He noted that there would be no decision tonight. He also noted that he had testimony letters from Joanne Wojchick.

Chief Faulkner gave an overview indicating that the range has been used for over 20 years. In 2007 there was a modification to the ordinance (re: changes to the times of use. In 2010 an indoor range was available for 6 years and was shut down last year. Last year he brought to the Board's attention that the range was in poor condition and needed to be fixed. He was presented with an opportunity from VY to make it usable and safe. The police department needs the range for state and federal mandates. Selectman Rideout asked what the cost would be if they could not use the range and had to travel elsewhere. Chief Faulkner felt for OT, travel, and town coverage, the cost would be about \$9500. T.A. Collins noted that Linda, from DES had a concern that where the range is located is considered an old dump. If there is any activity with digging or excavating, approval may be required. The proposal is to bring fill in.

Peter Zavorotny of Old Stage Road asked about berms being filled in and hours of operation. Chief Faulkner indicated that the berms would be 14' high in a U shape. Chief Faulkner clarified that night time can be low light and historically would be done by 9 or 9:30.

Tim Girroir of Tower Hill Road noted that he has used the range before but no one was using the rail trail then. His concerns included 300' being the standard rule in the state for safety, his children are involved in track and field activities and run by there. He questioned what the town's liability is. He feels this is okay for just our town but not other departments.

Chair Diorio asked Tim if the issue is the volume. Tim feels it is safety. He would like to limit the range to just our own police department or possibly use the town pit in N. Hinsdale as it is gated, fenced in, and away from the trail.

Chief Faulkner clarified that Cheshire County law enforcement would use only if they train with HPD.

Peter Cooper felt it was safer than walking into the woods and shooting. If it is posted, we all know. With the size of the berms, it's the safest alternative to shoot and be within legal rights. It's better to shoot in a place designed to shoot than in the woods.

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Bill Nebelski indicated that he was a Hunter Safety Instructor. He noted that VY has been thrown out of every town they've been in and wondered why we would want them here.

Bill Faucher is concerned that his barn is close to the shooting range.

Cathy Johnson presented a petition to the Select Board. She has problems with safety, with the noise, and lead concerns with the eagles that are nesting down by the dam.

Maurice LeClair said that his house was closest to the shooting range. He is a disabled vet suffering from PTSD, depression and anxiety. He has to close his windows and still hears the noise. People are using a private road to park and turn around.

Ed Girroir of 33 Old Stage Road wishes the Board would consider a safer place suggesting perhaps the old gravel pit.

Theresa Davis of Northfield Road asked what types of communication the Board has had with the School Board. She can hear the shooting from her house on Northfield Road as well as at the school. She is concerned with noise and safety.

Betsey Merling of Old Stage Road agreed with others. She feels she can't spend time outdoors in her garden or to walk and wondered if there was another safer option.

Richard Barnes of 50 Old Stage Road is an abutter and has lived there for 45 years. He noted recent events of loud firing on Saturday morning, afternoon, and evening. He finds this is not an acceptable arrangement and something needs to be done about noise abatement.

Liz Boggio asked if the Police Department could rent the old shooting range. Chief Faulkner informed her that it was no longer an option. Equipment was removed and the property was sold.

Steve Fecto of Prospect Street heard high-powered shooting for 45 minutes straight. As a coach, he would not send kids down there for training. It is not safe. He feels that if we have a trail, we should be able to use it.

Patti Smith, who works for Bonnyvale Environmental Center, mentioned taking 6th graders to watch the eagle nest. Concerns were of possible disruption. She noted that the Hinsdale setback ranks as a premier birding spot and noise having a major impact on migrating birds.

Peach Blouin of Pine Street questioned whether being 300' from the trail was the law. Chief Faulkner clarified that it does not apply here as 300' from a trail is if the trail is in a state park.

Donald McCool of River Road voiced his concerns including concern of people using the trails, home value decreasing, traffic, lack of trust in Entergy/VY, and concerns of lead leaching into the soil.

Ann Diorio of 588 Brattleboro Road noted that she was lucky enough to live far enough away from the range. Concerns in the last month or so, at the school, were the amount of firing high-powered repetition guns and this shouldn't be near the schools.

Liz Boggio also questioned night shooting. Chief Faulkner reiterated low light training and when that would be done.

Tim Girrior asked what off-site training would add to the tax rate at a \$10,000. He questioned Peter Zavorotny. Peter felt maybe two cents, give or take. Tim feels this is not a lot of money.

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Peter Cooper stated that during the summer a lot of fireworks are set off during the night. He doesn't see that noise is a valid argument.

Bill Faucher added that he wants to come home to quiet...he wants to sleep when he comes home.

Donald McCool added that he agrees, it's a nuisance. Opening the range to the public is not a good idea.

Cathy Johnson added to her concerns that if there are sinkholes now, that will continue. Also, no one is monitoring what people might be bringing in to the shooting site.

Bill Nebelski added that \$10,000 to send the department to Keene to train seems like a small price to pay for safety.

Marilyn Strom of 75 Hinsdale Heights is a teacher and indicated she wants to support the police department; however she feels spending \$10,000 to go to Keene would solve the issues. This affects all in the community. She feels the negatives outweigh the positives.

Dina LeClair of River Road spoke of traffic on the dead-end dirt road and blocking the entrance to her back yard. She feels the road will deteriorate and has safety concerns.

Ed Girroir added that Selectmen have had complaints from Vernon and he felt that it affects the production at the farm over there.

Peter Cooper added that shooting is a legal activity. The Police Department in town should be applauded for making it a safe area to shoot. It is not illegal to shoot and we have legal rights.

Selectman Darcy questioned Chair Diorio about communication to the School Board. Members of the School Board were at a public meeting.

There was a question about lead. Chief Faulkner indicated that HPD does not shoot lead rounds. He was unsure what VY or townspeople shoot.

Selectman Darcy and Chief Faulkner reminded people living near the range to call Police and let them know if there is shooting during time that there shouldn't be.

Bill Faucher asked who carries the insurance. T.A. Collins replied that Primex carries insurance for the PD. If other departments are there, their insurance should cover them. Ann Diorio asked if Certificates of Insurance are provided if others are using the range.

Tim Girroir asked when a decision might be made and when are notices posted. He also asked if they are not happy with the Board's decision, does the state allow this to go to petition-town ballot.

It was noted that this could be looked at and we could get a determination from the town attorney.

Donald McCool asked if anyone had looked into a portable shooting range. Chief Faulkner noted that this was very expensive. It would be cheaper to pay to drive to a firing range in Concord.

8:05 p.m. discussion ended re: Hinsdale Shooting Range.

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Chief Faulkner noted there have been a lot of issues with people coming in and not getting permits. If they did get a permit, we wouldn't know their background (whether or not they were registered sex offenders, criminals, burglars, etc.). Chief Faulkner has been working with the state on a process to do backgrounds approved by the state and with a preliminary approval by the FBI. If this were violated, the violator would be subject to a \$500 fine. This ordinance allows the town to be more stringent and allows him to enforce. Chief Faulkner can get a same-day background check on these. The process would be to file the permit, background check would be done, and it would go before the Board for approval.

Questions followed. It was noted that farmers are exempt. Rural agricultural is allowed. Kathryn Lynch noted that she is in favor of this. This would eliminate certain types of door-to-door vendors.

The purpose is for those who set up somewhere or go door-to-door.

8:15 p.m. discussion ended re: Hawker, Peddler, and Itinerant Vendor Ordinance.

T.A. Collins informed everyone that during snowstorms there are a lot of phone calls re: mailboxes. The purpose is that homeowners need to prove negligence by the highway department. Towns adopting these policies are spelling out specifics so that the public knows in writing what they have to do. They would talk to the Town Administrator or Highway. If at fault, the mailbox would be fixed to the condition it was. Discussion followed.

Ann Diorio made a suggestion to perhaps clarify that this ordinance does not cover Route 119 and Route 63 as those are not town roads.

It was also suggested to add wording "within 5 business days".

8:20 p.m. Public Hearing Closed.

Respectfully Submitted,

Kim P. Worden
Secretary