

Town of Londonderry, Musquash Target Shooting Task Force Meeting Minutes

February 11, 2015

The shooting Task Force Meeting was held in Moose hill Council Chambers, Town Hall, 268B Mammoth Rd, Londonderry, NH.

Present: Chairman Captain Bill Hart, Al Sypek, Dana Coons, Bonnie McSititt, Bob Saur, Dan Watson, Lt. Gordon Joudrey, Sgt Jason Breen, Randy McIntyre, Mike Considine.

Call to Order

Chairman Captain William Hart called the meeting to order.

Discussion

- Captain Hart stated that it will be a short meeting due to the fact that the Planning Board meets at 7 PM in Moosehill.
- D. Coons motioned to accept the minutes from the 1/28/2015 Musquash meeting. Second by D. Watson. Board votes 9-0-0.
- Captain Hart introduced Town Attorney Mike Ramsdell to speak. Captain Hart stated that the board has highlighted a number of issues that need to be discussed. Ramsdell will help the board understand what the law says and how it interfaces with both the National and State Constitution. What the board would face from a liability perspective. Captain Hart stated that Kevin Coyle, County Commissioner, will also be at the meeting to talk about existing laws.
- Attorney Ramsdell stated that one of the most important questions raised is also one of the easiest to answer, from a liability standpoint. There is a State Statute that would apply. The most important of these is **RSA 508:14 "Landowner Liability Limited"**, which, without charge, permits any person to use land for recreational purposes or as a spectator for recreational activity. M. Ramsdell stated whether on conservation property or other municipal properties, as long as the Town is not charging admission or a fee for the use, shall not be liable for person injury or property damage in the absence of intentionally caused injury or damage. The most important Statute is that if it municipally owned property and you are allowing people in for recreation use without charging a fee, unless someone from the Town intentionally causes and injury, the Town is not liable.
- D. Coons stated that if the Town set up a place for a range or target shooting, would that Statute apply to that area as well? Ramsdell stated that if the Town sets something up for a specific purpose, it is not the same thing as simply opening up land for recreational use. This statute wouldn't apply. M. Ramsdell stated that that is a different situation.

- The board discussed the different laws pertaining to the different situations of target shooting.
- R. McIntyre asked if you're promoting two activities, one being hiking and the other being target shooting, in a common area, is there no liability if someone gets shot out there, that the Town would be named as being held responsible. Ramsdell stated that he is unaware that the Town is promoting target shooting in that area.
- B. Saur stated that there hasn't been anything to happen in the Musquash that has been prosecutable. The Town doesn't have an Ordinance that they can prosecute someone under. K. Coyle stated that if the Town passes an Ordinance they will prosecute it and if they don't they won't.
- D. Watson stated referred to the draft proposals sent to the board. D. Watson stated that number two has language in it about 'bring in to, possess or display a firearm in there'. D. Watson stated that it wouldn't be brought forth if it didn't withstand the challenge. D. Watson asked for it to be explained since it seems contrary to Federal and State law as they reflect the second amendment. New Hampshire is an open carry State, so how does the Town have ability to supersede State law allowing anyone to carry a firearm. M. Ramsdell stated that the Town's Ordinance would be defensible because they are not actually restricting the use of firearms. What they are doing is restricting, or controlling, the use of the Town's owned property. M. Ramsdell stated that those Ordinances are defensible because the Town owns or controls the property; the Town is regulating the use of the property. It is not regulating firearms per say. M. Ramsdell stated that there is no question that an Ordinance that broad invites a challenge that the first draft Ordinance doesn't.
- M. Ramsdell stated that if the board is to suggest one of the drafts, he suggests that if an Ordinance isn't going to be made specific to the Musquash and it is going to be own conservation property, that the Town list the Town owned and controlled recreational properties that firearm will be prohibited in.
- The board discussed making a list of places that target shooting will be prohibited. Captain Hart stated that the board should put together their thoughts and ideas to share at the next meeting.
- Motion to adjourn made by D. Coons and second by A. Sypek. Board votes 9-0-0.