

**Mendon Public Hearing
Proposed Firearm Discharge Ordinance
Monday 3/15/21 at 6 PM**

Selectboard present: R. Wilcox, L. Courcelle and V. Taylor

Town Officials present: S. Tully, Town Administrator, P. Douglas, Constable, Nancy Gondella, Town Clerk and Treasurer, J. Bridge, Assistant Clerk and Bookkeeper.

There were approximately 63 members of the public in attendance. A list of attendees from the Gotomeeting.com site is attached.

R. Wilcox called the meeting to order at 6 PM.

S.Tully read the Public Hearing Notice, the remote meeting notice and Rules for Procedure.

The Town of Mendon is conducting a public hearing on the proposed adoption of the Mendon Firearm Discharge Ordinance to be held remotely on March 15, 2021 at 6:00 PM.

The proposed Mendon Firearm Discharge Ordinance can be found on the Mendon website at www.mendonvt.org and hard copies are available at the Mendon Town Office, 2282 US Route 4, Mendon, VT 05701 in the outside mailbox attached to the building.

Comments can be submitted to the Selectboard in writing by mail to Sara Tully, Town Administrator at the above referenced Town Office address or by email to mendonadmin@comcast.net.

Questions regarding the proposed ordinance can be directed to Phil Douglas, Constable at 802-345-5923. Questions regarding the adoption process of an ordinance can be directed to Sara Tully, Town Administrator at 802-558-3935

In response to COVID-19, the Selectboard strongly encourages the public to participate in this meeting by video or teleconferencing. The public can follow the directions on the agenda and posted publicly on the Mendon website at www.mendonvt.org.

The Chair of the Town of Mendon Selectboard finds that, due to the State of Emergency declared by Governor Scott as a result of the COVID-19 pandemic and pursuant to Addendum 6 to Executive Order 01-20 and Act 92, this public body is authorized to meet electronically.

In accordance with Act 92, there is no physical location to observe and listen contemporaneously to this meeting. However, in accordance with the temporary amendments to the Open Meeting Law, He confirms that we are:

Providing public access to the meeting by video with additional access offered through telephone. We are using Gotomeeting.com for this remote meeting. All members of the Selectboard have the ability to communicate contemporaneously during this meeting through this

platform and the public has access to contemporaneously listen and, if desired, participate in this meeting by **joining the meeting from your computer, tablet or smartphone.**

- a) Providing public notice of instructions for accessing the meeting. We previously gave notice to the public of the necessary information for accessing this meeting, including how to access the meeting using telephone and video in our posted meeting agenda. Instructions have also been provided on the town website at: www.mendonvt.org.
- b) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access. If anybody has a problem, please *e-mail* mendonclerk@comcast.net and
- c) Continuing the meeting if necessary. In the event the public is unable to access this meeting, it will be continued to a time and place certain.

Firearm Discharge Ordinance Public Hearing
Mon, Mar 15, 2021 6:00 PM - 7:30 PM (EDT)

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Please note that all votes taken during this meeting that are not unanimous will be done by roll call vote, in accordance with the law.

Let's start the meeting by taking a roll call attendance of all members participating in the meeting.

Roll call: Richard Wilcox, Larry Courcelle, Val Taylor

The Public Hearing will be conducted under the following Rules of Procedure:

1. The Selectboard will not engage in a dialog about the Proposed Firearm Discharge Ordinance. This meeting is an opportunity for the public to express their views. The Selectboard will address the common comments and questions as a subsequent public posting on the Mendon website and will be available at the Town Office. The Selectboard will schedule a follow up meeting.
2. All members of the public are welcome to express their views. Anyone interested in commenting on the Proposed Firearm Discharge Ordinance will have an opportunity to

do so. The Selectboard will call on individuals to speak as they appear on screen. Those on call will have an opportunity to speak after those on the screen. When called upon, please identify yourself for the minutes and where you are from.

3. In order to allow everyone who wishes to a chance to speak, the Selectboard will limit the comment period to 2 minutes per person. You will be notified when 2 minutes are up and given an additional 30 seconds to wrap up your comments if necessary. At the end of that 30 seconds, you will be muted and we will move on to the next person.
4. After everyone present wishing to express their views has had an opportunity to do so and if time allows the Selectboard may entertain an opportunity to speak a second time.
5. It is expected that the public will act in a respectful manner while addressing the Selectboard. Name calling and disrespect will not be allowed and will result in the speaker being immediately muted.
6. All comments shall be made by addressing the Selectboard not other members of the public.
7. The remote meeting also has a chat box indicated with a bubble icon. Please feel free to make comments in this chat box as well, they will be reviewed by the Selectboard.

R. Wilcox started taking comment on the Proposed Firearm Discharge Ordinance by calling on individuals as they appeared on screen. R. Wilcox gave an opportunity for those on the phone to make comment after all these on screen.

Comments included:

- I am against the ordinance lived here my whole life always been able to take care of a problem without making a new law.
- I am a life long resident of Vermont. I live in Rutland. I own property in Mendon. I don't believe there is a problem not for what is being pushed.
- I don't agree with the ordinance it seems like we're fixing a single problem. The solution should not on the backs all the residents. I encourage you to fix the individual issue.
- I am opposed to the ordinance.
- I own 120 acres in Mendon and pay \$6000 per year I'm opposed to applying a standard throughout town when some of us are a half a mile away from the nearest road. The broad brush approach is one sided.

- I am a resident of Mendon and I support the 500 feet from other residents to protect homeowners. I am a proponent of firearms and no longer believe in setbacks from roads. Selective enforcement leads the door open for corruption I support helping to create laws that don't reach too far.
- I oppose the ordinance. The offset from roads and trails is cumbersome and I don't have enough property to be that far away from the road without being closer to something else making it more dangerous. I opposed to the ordinance that doesn't allow me to use a road as my backdrop and shooting away from the road. My property rights would be diminished. I offered a motion to table the discussion to an in person meeting. A lot of folks cannot access this meeting. The setbacks from the road is too far away and that's why it is opposed.
- I am against the ordinance totally. I am from Northam Road and live in the woods. You already have stuff in an arsenal to combat the problem with the Noise Ordinance or the posting of Safety Zone signs. I am against the ordinance.
- I agree [with the last speaker] I am against the ordinance.
- I am a resident of Mendon. I do not have enough land to safely shoot, but I have a close friend that allows me to hunt and target shoot in a sandpit on his property. I am against the ordinance. There are more practical ways to resolve individual issues other than collectively.
- I am a lifelong resident of Mendon. I'm a hunter, a gun owner and enjoy target shooting. I also served on the Selectboard from 1987 to 2000 and if I was on the Selectboard I would not support this ordinance now. The setbacks of no one shooting within 500 feet from my own house is not acceptable. I'm in opposition and I hope you will reconsider what you are proposing.
- I've lived off of the Notch Road for 20 years. I hunt safely with backstops to shoot. I do not agree with this ordinance you need to deal with those doing wrong on an individual basis.
- I am the Constable in Mendon and the primary reason for the ordinance is for the safety of residents and visitors of Mendon. I understand the opposition and will take all comments and evaluate to come up with something to be rewritten to improve safety in town. The Selectboard can make the decision to go to town vote.
- I am the President of the Federation of Sportsman Clubs. I have some issues in Mendon that you should address a one-off situation rather than regulate the whole town. Air rifle and 22's can be discharged safely with the proper backstop is in a safe area. The ordinance is not needed. It is important to use terms like "knowingly" and references to "certain distance of a target" not sure this is an ordinance is addressing a one-off situation.

- I've lived off Woodward Road for 47 years and our property abuts Wheelerville Road . There is lots of shooting that occurs and we never know which direction people are shooting. There aren't a lot of backstops that can support shooting safely. I support the ordinance and maybe it needs to be tweaked it a little to restrict random shooting.
- I am not a resident of Mendon I live in Killington and my land abuts mend and I am here to listen I'm struggling to understand the magnitude of the problem.
- My family has owned property off Elbow Rd in Mendon for over 70 years. We are ethical outdoorsman and I oppose the ordinance. I support previous comments opposing passing an ordinance to handle an individual problem.
- I have lived in Mendon for 36 years and appreciate the board's efforts to promote safety of the residents and public. There are issues that contributed to the ordinance being formulated. I agree some modification is in order, but basic concept is invaluable. I agree with previous comments to not encumber people that have large purse pieces of land. I think the ordinance can be modified accordingly.
- Emptying a large capacity magazine is not target shooting it's obnoxious and the whole town is subject to a regulation. I don't support the ordinance with the inability for land owner's to give permission to a neighbor to shoot within a distance of my property. I can't support the ordinance without it.
- My family owns 275 acres in Mendon on two parcels. I take youth and novice hunters pout on my land and shoot in a sandpit. The ordinance prohibits me to shoot in arguably one of the safest places to shoot in Mendon. We are only a few hundred feet from a building and neighboring property. The way the ordinance is written you have to be 500 feet from the road but you can shoot back towards the road which is dangerous. I don't support that you can't shoot within a distance of any structure. A neighbor can put up a camper on my property line and prevent me from shooting. You need to deal with the root cause of the problem rather than use ordinances as a band-aid, not in favor of it.
- I am not in favor of the ordinance and echo sentiments of others.
- I had some of my questions answered. Some comments have made me pause in wonder if people are shooting safely and if we can somehow take care of that issue. In the orchard it would eliminate a lot of the property. And I wonder if the ordinance would allow exceptions for the American Legion or funerals in cemeteries to allow for the discharge at a cemetery in honor of the military.
- My property is an Old Turnpike Rd and is 1.5 acres and I cannot shoot safely on my property. I'm sure there should be some set back from the road but it should be less. Constable Douglas provided an overview of what has happened over the years that prompted the proposal of the ordinance. I'm sure there's a frustrating situation at Terra Lane. It should be reckless endangerment and don't address laws based on emotion. The

problem is ignorance and lack of training and education. Maybe you need a hunting license or firearm safety training to shoot something greater than 22 calipers. Do not do a broad brush approach.

- I am a non-resident but I have witnessed people target shooting in an unsafe area.
- I am opposed to the ordinance and the broad brush approach.
- I submitted my comments in writing to the Selectboard with a copy of a petition letter representing 34 individuals or legal entities in Mendon. We hereby strongly oppose the proposed firearm discharge ordinance that regulates any discharge of firearms within the town boundaries. We believe this ordinance to be unnecessary as the state of Vermont already has in place laws regulating reckless firearm discharge. Furthermore, Vermont has state preemption of local restrictions meaning the state law specifically prevents local governments from regulating the possession ownership transfer carrying registration or licensing of firearms. Mendon, Vermont was chartered 260 years ago in the year 1761 and has ever since enjoyed a rich history as a restrictive free firearm town ever since. We see no compelling reason to change that history now and consider this to be an erosion of our heritage as responsible law abiding gun owning residents. We would like to propose a new resolution that would declare Mendon a constitutional gun owner township and declare Mendon a Second Amendment sanctuary in an effort to protest any future state legislature's proposals for new firearm restrictions. This declaration would clearly recognize the inalienable right to keep and bear arms whereby all federal and state laws and regulations attempting to restrict these rights to be infringement hence null and void under this resolution. This resolution would be primarily expressive and symbolic in nature and does not have any legal binding affect nor change and state or federal firearm laws. There are 21 towns that have adopted Second Amendment sanctuary resolutions.
- I support the ordinance. We live here because it's the safest place. It is not about gun ownership or noise, it's about safety and not have to worry about stray bullets, I want to be able to enjoy my property and feel safe.
- I strongly support the ordinance with modifications as suggested. I hope the state law is applied to the situation on Terra Lane.
- I have lived here for 20 years and support the ordinance. I support not shooting within 500 feet of habitable buildings, trails and roads. I respect feedback of gun owners of large parcels of land. Small land parcels close to each other can hear gunshots and worry about safety.
- I am a resident of Mendon and 5th generation on this property. We are outdoor enthusiasts and practice safety. We are opposed to the Firearm Discharge Ordinance. We follow state and federal guidelines. At the town level, don't have the history of hunting and shooting ion our state and expert knowledge of safety like the state does. I am opposed to handling this issue at a local level.

- I live in Esquiline Hill and I'm opposed to the proposal. I support some of the previous comments of a response to a one-off ordinance you need to have a safe place to shoot Vermont law can take on the issue as they have other means to assist us.
- I have lived here for two years and I lived in Killington before that I enjoy running outdoors and hunting. This ordinance is a broad overreach and I'm strongly opposed to the ordinance. We can hear the issue from our house.
- I've lived in Mendon for 52 years and also own land that I use for recreation. I don't think this is a good ordinance. It seems to be a small singular problem that can be handled with either safety zones or reckless discharge of firearms.
- This is a great meeting and a model for discussion. I don't have any more comments.
- I live on Mendon View Drive and I have sent a letter previously to the Selectboard with my comments. I grew up in Rutland Town. The ordinance is an overreach. The safest spot on my property to shoot is 75 feet of my back door there is a problem regulating what is safe when each location is different. I am OK with regulating the time of 8:00 PM to 8:00 AM, but I do not agree with 500 feet on privately owned property. I have a big problem with that. It only takes 5% of the voters to go to town vote and I feel we can get that easily. I may support the ordinance if the 500 feet was removed. I was told we modeled the ordinance after other towns I don't support modeling Mendon after Shelburne.
- I have lived in London for over 40 years near Terra Lane. I am a fan of some type of ordinance but it should be modified possibly with a distance between homes. We have heard shooting on terylene . We have guns and support a distance between houses.
- I am a resident of Mendon and I strongly opposed the ordinance. There are many places within 500 feet of a road or building that shooting can be done safely.
- I grew up in Maine problem in our neighborhood is something has to be done but I don't think it should be an ordinance.
- I've owned property in Mendon for 15 years and intend to retire up here. I support some kind of ordinance in residential areas where houses are closely spaced in one acre in size. They are simply too close to have shooting practice safely. Neighbors don't want to speak to each other. There is no enforcement available if there is no ordinance in place. The Constable should inspect your shooting area and you should have to have agreement with your neighbors to be shooting deadly weapons.
- We have property in Wheelerville, 120 acres . The ordinance would prevent me from shooting clays because I shoot within 500 feet of my building. The prohibition of shooting from trails prevents my neighbor from using his property because its 500 feet from a trail on my property. VAST trail is on my property and it puts me in a position

that I may have to pull the right to use the trail if I can't shoot on my property simply because I gave them permission to use it. Snowmobilers would have to use 2.1 miles of Wheelerville Rd. Take on the problem don't cover the town with an ordinance.

- I am opposed to the ordinance. Seek a remedy for individuals effected by creating a committee or a board to handle the issue. Don't think this is the right way to go.
- I live up the road from Terra Lane. Makes me think twice about an ordinance, but I invite them to Terra Lane to look at what is going on and the direction of the shooting is not reasonable or safe. I don't think an ordinance is the right way to deal with it.
- I am the president of the Vermont Federation of Sportsmen Clubs, In the Firearm Discharge Ordinance the 500 foot setback is way too strong. It is as much a property rights issue as a firearm discharge issue. Regulating air rifles doesn't make sense. That is how people practice. The point is the shooting occurring is reckless endangerment loaded or unloaded gun it's reckless endangerment.
- I have been a property owner for 20 years, I support the ordinance with modifications that you shoot safely. Several towns have passed similar ordinances. Maybe it can allow shooting within 500 feet of a residence if you are at a safe distance to be able to shoot. You shouldn't regulate large tracts of land that way. I need this ordinance and I'm asking for your support it is unsafe irresponsible to allow shooting on smaller than one acre lot safety is more important than anything.
- My family has owned property on Wheelerville for decades and I'm actually a Londonderry, Vt resident. I don't support not having an exemption of 500 feet from a building or trail on your own property. Proctor's ordinance is much more descriptive with maps and zones . There are clear statutes that can address the issue occurring in town. I oppose the ordinance.
- I am a Vermont native and I support the ordinance. I own guns and support the ordinance. I think it might need to be amended specially if they have enough land to shoot safely. The ordinance is vague. I don't believe it will prohibit anyone from shooting from their own home. New gun owners have increased in the pandemic and it's a real issue. Negligent dischargers have to be safe.
- This is an example of how to kill a house fly with a sledgehammer. This ordinance will adversely affect VAST trails. For some people hearing gunfire make them fear guns. There is some danger inflating that associates just hearing gunfire with inherent danger. Regulating the discharge of firearms to land owners of certain size is discrimination. Reach out to the Fish and Wildlife Department to be educated on current state laws that already exist. I oppose the ordinance.
- I live in Mendon, Thank you for being here and expressing many valid points. I support the ordinance. Clearly there are some adjustments that should be made for owners of

large tracks of land. Maybe the ordinance should have a more mapped area. It is all about safety. There are safe and unsafe places to shoot.

- I have been a resident for over 20 years. I am a hunter, fisher, and trapper. I am reminded of when there is a bad kid in class the teacher makes the whole class put their heads down on the desks. I have to believe there is a state law to solve the issue at hand. Regulating air guns, I have a real problem with. Neighbor to neighbor, they should try to solve the problem. I oppose the ordinance.
- My parents and I live in Mendon. I oppose the restrictions.
- I live in Mendon and have been asked to represent a group of Mendon residents. I have submitted written comments to the Selectboard. The proposed ordinance is a reaction to an incident. Bad facts make a bad law. The phrase means that an extreme case is a poor basis for a general law that would cover a wider range of less extreme cases. If there is criminal activity occurring, there are laws that can be enforced. If the dispute is civil in nature the courts are the appropriate vehicle for resolving the dispute. The resident could seek a protective order, an injunction or whatever other legal mechanism is available under circumstances at hand to respond to those specific circumstances. It is not good governance to resolve a dispute between neighbors. There are numerous issues with the proposed ordinance as drafted. Air guns and BB guns cannot be regulated per state law. Definitions are overly expansive. It is impractical if not impossible to ascertain feet away from a building, trail or road. Thus, this ordinance is unnecessary and ill advised.
- I have 20 acres of land in Mendon and I vehemently oppose the ordinance. I think this is a knee jerk reaction you are going to hear gunfire in Vermont, it's Vermont . I can't use my own target range.
- I have a camp in Mendon and I strongly oppose this ordinance
- I represent the Vermont Association of Snow Travelers this ordinance will penalize trails and snowmobile trails. I hate to see landowners deny access because of this ordinance. It seems like this is a small problem in a small neighborhood confine it to that.
- I submitted a letter to the Selectboard signed by 34 individuals and property owners in Mendon. This ordinance is unnecessary because state and federal laws specifically prevent municipalities from regulating firearms. It is an erosion of our heritage and I request that we declare Mendon a Second Amendment sanctuary. This is a resolution expensive in nature and 21 town's to date in Vermont have passed this resolution.

All members of the public that wanted to speak have been given the opportunity to make comments. The Chair now requested if anyone wanted to make further comments.

- I would like the Selectboard and the town to discuss the ordinance further prior to adoption.

- VAST may have further questions which will be submitted in writing.

P. Douglas, Constable commented that he tried to keep track of comments and it appears those present opposed the ordinance 3 to 1. Overriding comments heard would be relooked at in order to determine changes. It is clear there is work to do on the draft. The ordinance has nothing to do with second amendment rights. It has to do with safety. Large tracks of land should be ok if its safe to do so. We will suggest having another meeting to discuss.

R. Wilcox thanked everyone for their comments. The Selectboard will evaluate them and rethink what was put in the ordinance. Motion by R. Wilcox to adjourn the Public Hearing at 7:41 PM. The motion was seconded by L. Courcelle and the motion passed unanimously.

Selectboard:

Richard Wilcox

Sara Tully- Clerk

Larry Courcelle

Val Taylor