

# **RYE DOGS AT LARGE COMMITTEE MEETING**

**Thursday, April 19, 2018  
3:00 p.m. – Rye Town Hall**

***Present: Selectmen's Rep. Phil Winslow, Police Chief Kevin Walsh, Theresa Kobylinski (representing Kevin Kobylinski), Ritchie White, Sally King (representing Mike Garvan), Susan Shepcaro and Shawn Joyce.***

***Members of the Public Present: Peter Crawford, 171 Brackett Rd, Mark Epply, 267 Brackett Rd, and Lee Hodson, 616 Central Rd.***

## **I. CALL TO ORDER**

Selectman Phil Winslow called the meeting to order at 3:00 p.m. and led the Pledge of Allegiance.

## **II. INTRODUCTIONS**

### **Members Present:**

- **Theresa Kobylinski** – On behalf of her husband Kevin Kobylinski who is out of town.
- **Ritchie White, 30 Lang Rd** – Resident since 1986. Happy to be serving on the committee.
- **Sally King** – Representing Mike Garvan of the Rye Conservation Commission and also Conservation Commission Chair.
- **Susan Shepcaro, 45 Recreation Rd** – Resident for 24 years and serves on the Conservation Commission.
- **Police Chief Kevin Walsh** – Resident and has been working as an officer in the town for almost 20 years.
- **Shawn Joyce, 270 Washington Rd** – Abutter to the town forest.

### **III. REVIEW OF COMMITTEE CHARGE**

#### **The Rye Dogs at Large Committee**

The Rye Dogs at Large Committee is established on this date of April 9, 2018 by vote of the Board of Selectmen.

The Rye Board of Selectmen wishes to ensure that all Town owned land and beaches that are accessible to dogs is enjoyed safely by people with dogs, citizens that just wish to walk on the beach or on the trails, runners and joggers, families, recreational users, and all beachgoers for whatever reason, during all seasons. The issue of placing dogs on leashes has been raised at town meetings repeatedly over many years and attempts to enact a leash law has failed. Most recently the Town has experienced acts of violence involving dogs that mandates a solution to the ongoing conflicts and complaints. The Rye Board of Selectmen has empaneled this committee to research the matter and make recommendations to the Selectmen.

The committee shall consist of not more than seven members, all residents of Rye. The Committee will include one member of the Board of Selectmen and the Chief of Police. Staff members may be appointed as non-voting members of the committee. Members shall be appointed by the Board of Selectmen for an initial term ending on October 31, 2018. It is the Selectmen's intent to sunset this committee after completion of its charge.

#### **Charge to the Committee**

1. To report back to the Board of Selectmen on how the current conditions affect public safety and the public's use and enjoyment of our recreational areas, town owned land and beaches.
2. To assess the current and future impact of allowing dogs on Town owned land and beaches without leashes as it pertains to public safety and enjoyment of our land by all and to research successful ordinances and programs enacted by other municipalities that can be possibly implemented in Rye in an economical manner and to make recommendations to the Selectmen on ways to improve upon the current situation.
3. To propose procedures, regulations, policies and/or requirements for the regulating of these activities if deemed necessary.

If the Board of Selectmen subsequently considers new legislation or a change to current legislation, the Board will hold a public hearing prior to enacting any changes.

Town of Rye Board of Selectmen

#### **IV. ELECTION OF OFFICERS**

##### **Chair:**

**Member Shepcaro made a motion to nominate Mike Garvan for the position of chair.** She and Shawn Joyce worked with Member Garvan on another committee and he did a great job as chair. She noted that he is not present at the meeting so she is not sure if they can move forward on a nomination.

**Police Chief Walsh made a motion to nominate Ritchie White for the position of chair.** Member White has always been active in coming forward with safety issues in Town. In his opinion, Member White has an open mind on most issues. With this situation, he thinks Member White would be right down the middle and would work in the interest of safety.

**Member Joyce seconded the nomination of Ritchie White.** He served on the Trails Committee with both Mike and Ritchie. He thought Mike did a fair job but in the end game he thought Member White was the most balanced. He did not have an opinion and was not a member of any organization supporting the non-leashing of dogs.

Member White stated it is certainly not a position he is seeking but would help out and serve. He has had some experience in dealing with contentious issues. He is in his 19<sup>th</sup> year of being on the Atlantic States Marine Fisheries Commission and has chaired many controversial fishery issues. In regards to how he would run the meeting, he stated that it is important that everyone have equal input. Therefore, when an issue is started the chair will recognize someone and give others a chance to speak before people speak for a second time. As this is a working group, he would suggest that the public not partake in deliberations, and instead a public comment period be held at the end of the meeting. If a member of the public had information in regards to an issue that the committee was trying to make a decision on, he would look to the committee for an approval to allow the public to speak during the work session.

**Selectman Winslow called for a vote on Mike Garvan as chair. Vote in favor: 1**

**Selectman Winslow called for a vote on Ritchie White as chair. Vote in favor: 4  
Vote passed for Ritchie White to chair the committee.**

Selectman Winslow turned the meeting over to Ritchie White as chair.

##### **Vice-Chair**

**Motion by Susan Shepcaro to nominate Mike Garvan as vice-chair. Seconded by Kevin Walsh. All in favor.**

## V. NEXT STEPS

Chairman White submitted an agenda of discussion ideas to the committee.

### Meeting Dates:

The Committee discussed meeting days and possible dates.

Sally King noted that they should consider holding the meetings after 5:00 p.m. to allow the public to attend.

Chairman White stated that they may get this down to a point where the committee may have some ideas and then an evening meeting could be held to allow public interaction. As the committee works through this, the public interaction may be difficult.

Selectmen's Rep Winslow stated that he thinks they want to solicit input from the public as they go through the process. He chaired the committee on wetlands and they found that the public brought in some really good ideas. As they got into the meetings more, they found people who had some expertise and they were asked to speak on the subject. A suggestion might be to have some meetings every two weeks, for at least the first two months.

There was discussion on the next possible meeting date. It was agreed that the next meeting would be held on Wednesday, May 9<sup>th</sup>, at 6:00 p.m. The members agreed that the best place to hold the meeting would be at the Town Hall. If the Town Hall courtroom is not available on the 9<sup>th</sup>, a backup date for the meeting will be Monday, May 7<sup>th</sup>.

Chairman White reviewed his handout on suggested areas for the committee to start:

- **Town Forest and Beach:** The two geographic areas that have the biggest concentration of issues. The focus of the committee should be in these two areas. There may be solutions for one area that may not fit the other.
- **Information that would be helpful to the committee:** Information currently being collected by the dog officers in regards to enforcement activities that have taken place and present activities in the town forest. Resident and non-resident usage would be helpful as well.
- **Restricted uses in the town forest:** Non-resident and dog walking businesses might be able to be restricted in the town forest.
- **Abutters:** Information from abutters of both the town forest and beach would be helpful regarding the issues they are facing.
- **Dog Under Control Ordinance:** The committee should discuss clarification of the ordinance and ways to make the ordinance more definitive to help with enforcement.
- **Questions for Town Counsel:** Can dog walking businesses be restricted at the beach? Is a business license needed from the town? What is the Selectmen's ability to set a temporary solution? Could the Selectmen try an idea to see how it would work before it becomes an ordinance? Can non-residents be restricted in town forest?

Selectmen's Rep Winslow submitted information to the committee on a program in Boulder, Colorado, that allows dogs off leash if they pass certain requirements.

Chief Walsh stated that one of the things he would like the committee to focus on is the tasks that the department deals with when enforcing current or future rules. If it is labor intensive, it would force him to increase hours or ask for another employee. The committee must craft something that does not add more tasks for employees, other than monitoring things. Some of the communities have great ideas, however, the committee has to focus on how it can be upon the individual to regulate themselves. If the department has to do a lot of these things and it becomes labor intensive, then it becomes difficult for the Police Department to enforce. He stated that he agrees with Chairman White's idea of testing. If an officer or an ACO writes a dog violation the person can contest it. The department needs to watch that go through the courts and see if it will actually uphold in a court of law. He noted that the department is going to go over service dogs and what the officers can and cannot do. There are service dogs going to the town forest and to the beach and the employees need to know what they are allowed to ask and not ask under federal law.

Theresa Kobylinski asked if a service dog can be on the beach during hours dogs are not allowed on the beach.

Chief Walsh confirmed.

Selectmen's Rep Winslow asked if the service dogs are on leashes.

Chief Walsh replied that not all are on leashes. Under the town ordinance, if the dogs are under control and are next to the person they do not have to be on a leash.

Chairman White asked if there is certification and paperwork required for a service dog.

Chief Walsh confirmed. He commented that someone can get this paperwork right online.

Chairman White stated that's why he was thinking about the discussion on clarification of "dogs being under control" is because one of the cities that had regulations had one that said the dog owner had to call the dog once and the dog had to immediately come back to the owner. He was thinking they could do something like a dog being 75ft feet from an owner and the dog officer approaches the owner to call his dog, if he calls three times and the dog doesn't respond, it would result in a ticket.

Chief Walsh agreed that the ordinance needs to be more specific.

Selectmen's Rep Winslow noted that in Boulder the dogs have a tag on their collars for verification that they have gone through a training program and the dog owner is aware of the responsibilities. The dog officer would not give a ticket but would pull their tag and the dog would have to then be on a leash.

Theresa Kobylinski asked how that would be paid for if they are looking at no costs.

Selectmen's Rep Winslow noted that people would be charged for the tags and this could generate some funds to help cover a part-time person. It could be somewhat self-funding from the standpoint of supporting it.

Theresa Kobylinski asked if this would only be for Rye residents.

Member Joyce noted that Boulder charges a \$75.00 entry fee for an outside person to take the class.

Selectmen's Rep Winslow commented that a summer person who is just renting in town might pay \$50.00 where a resident might pay \$25.00.

Member Joyce explained that Boulder has a leash law but people can opt out of the leash law by going to a class and getting a tag that verifies the dog owner is in control of their dog. They don't allow anyone to have more than two dogs, at any one time, with them off leashes.

Sally King noted that there are not supposed to be profitable businesses, such as dog walkers, in the town forest.

Chief Walsh stated that it comes down to what is the rule if the town ordinance is violated. Has it been specifically advertised under education awareness so someone knows they cannot bring a dog walking business there? He does not think they would be successfully in court for writing a violation for that. The committee needs to look at dog businesses coming into town and being specific in the ordinance. It will also need a big campaign for awareness and education so the public will know about the ordinance.

Member Joyce clarified the conservation easement forbids the business of dog walking.

Sally King confirmed.

Member Joyce pointed out there is no signage there now that supports that.

Chief Walsh stated there definitely needs to be an ordinance that supports the signs. He thinks any proposed ordinance has to go to the Board of Selectmen first and the town voters should have an opportunity to vote that rule in.

Chairman White noted that if the committee comes up with a solution that might require more enforcement, it might be part of the warrant article to include funds for another staff member. It seems like the majority of people do not want a leash law. If they know they need to get dogs under control they may be willing to spend some more money. This committee would have the ability to make that recommendation to the Selectmen.

Member Shepcaro asked who would do the training and where. She commented that they could hire an impartial trainer for the testing period; however, that is going to cost money. She asked how they could implement that program. Maybe the town would have to contract with a person and set up a program. Anyone who wanted their dog to be off-leash would pay to take the training. She asked if the town would be supporting the training through the testing period.

Chief Walsh stated that if the town supports a business or trainer to train a dog, and the dog attacks another dog or person, the dog owner could file a civil claim against the town. This is opening up some civil liability for the town. He noted that he would like to forward his memo to the committee about Lower Marion Township, PA, about their off-leash program. He noted that they have forty parks and twenty parks do not allow dogs. Out of the twenty parks that dogs are allowed, nineteen of those parks require the dog to be leashed. The dogs can be off leash in one of the parks. There is a program that the dog owner needs to go through in order for the dog to be off-leash within a fenced in area in this park. Lower Marion really took a look at everyone being able to enjoy town land. The labor demands are really not on the employees in this township, other than the recreation department runs the obedience classes.

Speaking to Chief Walsh, Selectmen's Rep Winslow asked what would happen currently if either a person or dog was hurt in the town forest. It is a "town forest" and as such the town is responsible. There are no rules or regulations as it currently stands. He asked if someone could sue the town.

Chief Walsh replied yes. However, he thinks the insurance company is in a better position because the town has not outlined specifics. He does not think the town should get into the minutia of charging for things. Once they charge for things, they are required to provide the service. Overall, the town provides safety with police and fire. The Conservation Commission oversees the town forest and makes sure it is usable. To get into a specific minutia that someone has to follow, someone would need to stand there to make sure they follow it. Right now, there is an overall town ordinance they are supposed to follow.

Selectmen's Rep Winslow stated that it seems if the town was to do nothing they would be more subject to questions from the insurance company.

Chief Walsh stated that he agrees that they should not do nothing. That is why he has come forward with an ordinance change for the last two years. He feels it is ultimately his responsibility. He sees things getting increasingly worse with dogs and it is not safe. The rules should change but the officers need the tools to be able to enforce those rules with the court upholding those conditions.

Speaking to Chief Walsh, Theresa Kobylinski asked how he would feel about setting certain hours for walking dogs without a leash in the town forest.

Chief Walsh stated that this matches something that is done at the beaches. Dogs are allowed at certain times from Labor Day to Memorial Day. That is more defined and the department has the ability to enforce this rule and have people follow it. There are people who want to enjoy the land and don't want anything to do with dogs. There are other people who have a dog and want

to enjoy the land with their dog. This gives everyone an opportunity. It is specific and he does not think they have lost on a ticket that was after hours.

Member Joyce stated that it would be worth calling Boulder and speaking with them about their experiences of when their program was first initiated and how successful they think it is. He continued that he is not for a town wide ban on dogs. His main thrust has been the town forest. It does say clearly in the easement that the town can restrict it to Rye residents. It could say “Rye residents or people from out of town without dogs”. In the last two years, the town has been inundated with people from Pierce Island and surrounding communities who are coming into Rye’s woods and creating problems. In regards to the town forest, it might be as simple as saying “Rye residents only”, which is saying “Rye dogs only”.

Sally King commented that this would become an enforcement issue for the Police Chief.

Member Joyce stated that they have not even tried, on a temporary basis, to put a sign up like that. The signage has been really poor in regards to what the restrictions are. It hasn’t been clear as to what it means to control a dog.

Chairman White asked if there is any support for breaking this down between beach and town forest. What they seem to be talking about is one type of solution. He wonders if there might be different solutions for the two different pieces.

Member Shepcaro stated that she thinks the beach has been handled well. She does not know if it needs to get lumped in. She would support separating the town forest and the beach.

Sally King stated that she has spoken with Mike Garvan about this and he supports separating them as well.

It was the consensus of the committee to separate the beach and town forest.

Member Joyce noted that if they create restrictions in the town forest people are going to move to other parcels of land in the Town of Rye.

Chairman White stated that this is something that will have to be faced when it comes, if the town decides to move forward. He noted that there is plenty of land, besides the town forest. It is just not being utilized. He continued that they could look at what might be a solution for the beach and one for the town forest; maybe they’re the same or maybe not. They could consider if there is a need and what kind of solution there could be for all town land. They may be able to solve some issues that are unique to the beach or the town forest.

Chief Walsh reviewed the list of information he will submit to the committee.

- **Lower Marion Township, PA** – Information on their no-leash program.
- **Animal control officer information** – Issues at town forest & residents versus non-residents.
- **2016 & 2017 dog bites** – Information on how many dog bites and the circumstances (also non-resident versus resident dogs).



- **2016 & 2017 warnings and tickets** – To give the committee an idea of the issues with enforcement.
  - **Beach property owner complaints** – Contact the Beach Commission for any input they have received from residents.
  - **Abutters to the town forest** – Issue they are facing with dogs.
- Selectman Winslow & Member Joyce will call Park City, Utah and Boulder, Colorado to get information on insurance ramifications and responsibilities of the towns.

**Note:** Member Shepcaro left the meeting at 4:00 p.m.

Member Joyce will submit a copy of the Town Forest Conservation Easement to the committee. He will also submit a copy of the Forest Management Plan. He noted that it would be a good idea to have Charlie Moreno and a wildlife biologist speak to the committee about the impacts the dogs are having on wildlife.

Chairman White stated that he does not think their task is to address wildlife issues.

Member Joyce explained that if dogs are going without leashes they are having an impact on the wildlife aspect.

Chairman White stated that if Mr. Moreno has recommendations that might assist the committee about dog control then that would be information that would be helpful. However, he is not sure that Mr. Moreno would have this type of information.

Member Joyce stated that he is not looking for a solution from Mr. Moreno. He would like to know about the impacts the dogs have on wildlife. There have never been this many dogs in that area before. Now there are all these dogs being introduced into this area and it has made a big impact on wildlife.

- Sally King, Conservation Commission noted that she would contact Charlie Moreno to see if there is an updated recommendation for the Town Forest Management Plan. She also noted that the Conservation Commissions Trail Maps would show the properties that abut conservation land and would have the most impact from dogs.

There was some discussion on whether the business of dog walking should be licensed. This is an issue that the committee may explore if they decide it will solve dog issues at the beach.

Sally King noted that there are a lot of families that go to the Rye recreation area, which abuts the town forest. These people take a walk through the forest when they are there so this would make enforcement of restricting out of town residents even more difficult for the Police Chief.

It was noted that there are four different entrances to the town forest that would need to be managed.

## **VI. PUBLIC INPUT**

**Lee Hodson, 616 Central Road**, spoke to the committee on setting goals and setting data guidelines to measure the success of ideas that are implemented.

**Mark Eppley, 267 Brackett Road**, spoke in regards to outsourcing the training in order for dogs to receive a tag to be at large.

**Peter Crawford, 171 Brackett Road**, spoke about the fees covering costs; such as the animal control officer. He also spoke in regards to a possible survey to see if there is support for a leash law or not, so the committee would know the direction of the town.

Mr. Eppley commented that when an ordinance is initially put in place it needs a lot of enforcement. He asked if ticketing enforcement is a source of revenue that could be used to hire a part-time officer to help enforce the ordinance.

Police Chief Walsh explained that when an ordinance is put in place there is an education and awareness component to get that in place. After a reasonable amount of time, the department will begin the enforcement component. He is confident they can come up with a reasonable solution that will not be an overburden on the police department's employees. He noted that the funds from enforcing an ordinance does go to the town.

Sally King stated that the Conservation Commission keeps getting feedback from people who are saying that people need to be more aware of where conservation areas are. The Conservation Commission is doing that. Jaci Grote is heading the Trail Gate parties, which is set up as a way to introduce the residents to different parcels of land. There are many great parcels to walk. The problem with people walking dogs off-leash on different parcels, instead of the town forest, is the wildlife piece. A lot of the parcels are not posted for 'No Hunting'. The town forest is one of the only two places where it is posted. That makes it safer to walk with dogs there. If they start urging people to walk in these other places, do those get posted 'no hunting' and what does that do to the wildlife?

Member Joyce stated the hunting period is only for a short period of time. The hunters deserve just as much rights as anybody else.

Sally King noted that she does not necessarily think it is beneficial to post 'no hunting' but for the four people that are walking a parcel it is a safety concern.

Chairman White stated there are a variety of ways to do this. Perhaps, the town forest could be closed Tuesdays and Thursdays to dogs, and it could be noticed that there are other pieces that are open. There is a lot of potential to put together some pieces, short of a leash law town wide.

Mr. Eppley pointed out that the towns that were discussed (Boulder and Lower Marion) and what they are doing do not seem to be as rural as Rye. He asked if other towns could be researched that are similar in size to Rye.

Member Joyce stated that he Googled it for hours and could not find anything more than Boulder, PA and Park City. He also Googled smaller towns and nothing really came up.

Chief Walsh stated that he has a friend that is a police chief at the Cape who is part of a police association that oversees towns that are a lot like Rye. When he has issues, he will ask him to put an email out the association to see how those towns handle these types of situations. He will do that in this case so the committee can have that information to review as well.

The committee reviewed the action items as discussed throughout the meeting.

- Member Joyce agreed to prepare a Google Map of the town forest and abutting land showing the location where dog issues have occurred to give the committee a perspective on the scope of the issues the abutters are facing.

## **VII. NEXT MEETING**

- **Next Meeting to be held on Wednesday, May 9<sup>th</sup>, 6:00 p.m.**  
*(Back up date of Monday, May 7<sup>th</sup>, if town hall courtroom is not available on the 9<sup>th</sup>.)*

## **ADJOURNMENT**

**Motion by Phil Winslow to adjourn at 4:47 p.m. Seconded by Shawn Joyce. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger