

# **RYE DOGS AT LARGE COMMITTEE MEETING**

**Thursday, May 24, 2018  
6:00 p.m. – Rye Town Hall**

***Members Present:* Chairman Ritchie White, Vice-Chair Mike Garvan, Shawn Joyce, Susan Shepcaro, Kevin Kobylinski, Selectman Phil Winslow and Police Chief Kevin Walsh**

## **I. Call to Order and Pledge of Allegiance**

Chairman White called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Chairman White stated the he would like to clear up some misconceptions from the last meeting regarding public input. He spoke with Town Administrator Michael Magnant and he provided the 'Town of Rye Standard Meeting Procedure' document. He also provided a copy of RSA 91-A and the 'Town of Rye Policy Establishing the General Rules of Procedure for Boards, Committees and Commissions'. Chairman White continued that there is nothing in those documents that allows for public comment on a motion. The only time the public is guaranteed input is under the agenda item for public comment. He explained that from the beginning this committee was to be run in a less formal way. The committee does want public comment; however, when the committee is working on potential solutions, it should be more of a working session and public comment will be allowed during the public comment time. If the committee feels it is appropriate to allow the public to speak during the work session, it can be brought up by a member at that time.

## **II. Approval of Minutes – 5/9/18**

**Motion by Phil Winslow to approve the minutes of May 9, 2018 as presented. Seconded by Mike Garvan. All in favor.**

**Note: The committee agreed to take agenda item 4 out of posted agenda order. (As shown in the minutes.)**

Selectman Winslow stated it is important to look at the structure. There are some dogs who are obviously not under control and some owners that do not care if their dogs are under control. There are also people who have their dogs under control. For the committee to come up with an idea that invalidates the ability to allow a dog off a leash that is under control is inappropriate. He thinks there are two ways of looking at this. One way is to look at the current areas and develop a plan where people who are able to keep their dogs under control have a tag and are able to keep their dogs off leash. That would not preclude restrictions on times and dates for various activities. The second way is to restrict the times that dogs not under control can use those areas. The solutions could be in one category or the other.

Chairman White agreed. Dogs under control is an issue regardless of whatever else is done. That definition has to be tightened and they have to decide how that can be enforced. His sense is this might be one thing that is worked on separately. All the other ideas would be overlaid on top.

### **III. Ideas from Committee Members to Address Dog Issues at the Beach, Town Forest and in General**

#### **Beach**

##### **1. Limit dogs off leash**

- Time of day
- Days of week
- Limit by beaches
  - No dogs on some beaches – some beaches would be restricted from dogs and some would allow dogs. Rotate beaches by the month (would give a break for the home owners near the beaches and the general public.)
- Entrances and exits of beaches the dogs would have to be leashed.
- Seasonal – different rules may apply in the summer versus off season.
- Tides – Low tide can support more people and dogs.
- Signs – Rules and the meaning of “dog under control” needs to be more
- Information and training at the time of dog license

#### **Discussion:**

Member Joyce noted that the signage that Rye currently has for the meaning of “control of dog” is too vague. The town’s website is vague also. He thinks there is a huge gap in people’s understanding. (He submitted a list of rules that he found for other cities/towns, such as Park City, UT, Lower Marion, PA and Boulder, CO) He continued that there are signs in other municipalities that say certain rules must be followed and what it means to control a dog. There is nothing like this in the Town of Rye. People do not know what it means to control a dog. He pointed out that Park City has signs in their parks that really defines a “dog under control” and what it means.

Member Shepcaro stated that a lot of places the committee has looked at that have dog leash laws and rules are a lot different than Rye. She has looked at places that are more similar, such as a town with a population of 3,900. She has looked at York, Kennebunk and Saco which all have regulations. They have very specific rules, except for the beach where the dog has to be under control (voice control) and has to have a leash. She thinks that putting up a sign is great but it has to be enforced.

Member Kobylinski commented that Rye is not Boulder or Park City. He knows there are good laws for “under control” but it should be kept simple. Putting up twenty signs with rules just will not be obeyed. The restrictions and rules that are posted have to be as simple as possible so they are easy for people to follow. He noted that whether it is the beach or the woods there will need to be an educational process; whether it is something published or volunteers handing out flyers.

Member Joyce stated there was an educational process by the Rye Conservation Commission for months in the Town Forest, which actually did nothing on the abutters’ side. The Town does not have any printed verbiage about what it means to control a dog. He continued that the reality the committee has to recognize is that people take precedence over dogs. Residents should not have to go to a state park or another forest where they don’t allow dogs so they can enjoy the beach or the forest. They should be able to go to the Rye Town Forest and be able to take a walk without being jumped on by a dog, approached by a dog or walk in dog waste. He noted that he has a dog and loves his dog; however, the committee needs to remember that people come first.

Chairman White stated that the committee has had some input from people who want to be able to use the beach and the Town Forest and not interact with a dog. Some people are afraid of dogs and do not want a dog running up to them. These are Rye taxpayers. Those people have a right to have some time in the summer to be able to go to the beach and not interact with a dog. The committee has to make a decision on this because this would drive certain days or times during the week where Rye’s citizens could use the beach or town forest without having to interact with a dog.

Police Chief Walsh noted that Saturday, May 26<sup>th</sup>, starts the restriction of dogs not being allowed on the beach after 9:00 a.m. for the summer season. They can be back on the beach after 7:00 p.m. Even though the signs and ordinance are in place, the police department staff has a process for educating and making the public aware initially and the second week of June is when the tickets start to be issued.

Member Shepcaro stated that if there are 100 people, with or without a dog, maybe one of those 100 people will mind. The committee has to take into consideration that maybe 99 people are okay with it and one person isn’t.

Chief Walsh stated that there are a lot of people who don’t want to come forward and speak publicly and will go on not being represented. They are genuinely nice people and will not say anything. It is fair to brainstorm and come up with some ideas. If it is one person out of 99,

there should be some accommodations for that person because they are paying taxes in town and live here.

Member Shepcaro commented that she thinks it is a small minority of people who are looking for dog free spaces.

Chairman White asked if she thinks these people have rights.

Member Shepcaro replied that they do have rights but majority rules.

Member Kobylinski stated that everyone is going to have a different opinion. He goes back to the voters. It looked like 65% of the voters wanted more enforcement. It's a difference of opinion. Member Shepcaro may say there is 1 out of 100. He may say there is 30 out of 100 people.

Member Shepcaro stated that she would like to see some representation of who Chief Walsh is representing.

Chief Walsh stated that he is representing people that will not come forward to say anything. They are not the type of person that is going to go out in public and say anything. They are going to remain passive and not enjoy the town's land. They are genuinely nice people and he is going to represent them.

Member Joyce stated that he feels the hours for the dogs is fair right now. The problem is there has been a lack of definition about what it means to control a dog and being able to enforce that control issue. If there was a good definition of controlling a dog with enforcement, he thinks they would see a decline in incidences. The Town hasn't defined what it means to control a dog. The vagueness has allowed a lot of these incidences to happen. He thinks if they could do this it would please both parties.

Chairman White asked if he would be comfortable leaving the beach as it is, as far as access for dogs, if there was a tight definition of control and enforcement to enforce the tight definition.

Member Joyce confirmed. He reiterated that the Town does not have a decent definition of "control" and they are not able to enforce; therefore, that has created problems. Why punish the people who do control? The dogs would not be affecting people if they were under control. The dogs that are affecting people, are the same ten dogs that jump on people. He witnesses this at Jenness Beach all the time.

Member Garvan stated that he agrees that people who do not want to be in the presence of dogs is because of the unruly dogs, which are the problem. There are State beaches and dogs are not just on Rye beaches that frequently. He thinks those people have a pretty good choice right now and freedom; however, they would feel freer if the dogs were under control.

Selectman Winslow stated he agrees with Member Joyce but they need to develop some education. If the person who has the dog off leash has read requirements for that and maybe has seen a video in regards to the responsibilities, it would reduce the number of incidences by probably half.

Speaking to Selectman Winslow, Chairman White asked if he would join Member Joyce in saying that if there is a tight definition of “dog under control” he would leave dog access on the beaches as it is now.

Selectman Winslow replied yes with one restriction. The dogs should be leashed during the time period from when they get out of the car and get to the beach. That would be the same for the Town Forest.

Member Garvan agreed.

Member Joyce commented that people can either control their dogs or they can't. People who have problems with their dog getting out of the car are not going to be able to control their dog.

Member Shepcaro asked if the dog licensing process could be used in the future for serious information and requirements. Plus, the licensing fee should be increased to pay for things. She thinks that would help a lot.

Selectman Winslow stated his concern is how they are going to get to the people who come from out of town.

Member Shepcaro stated this is really where the problem is. The people who come for the day or the week is the part that the Town has no control over.

Chairman White stated that enforcement and education would be two pieces regardless of what is done.

Member Shepcaro reiterated that they have the opportunity in the Town Clerk's Office to have serious information for people to read and understand. She is not sure how it can be made more binding but that will help a lot with the Town's people. They will then be able to tell who the real offenders are.

Speaking to Member Shepcaro, Chairman White asked if she is in agreement that if control and enforcement is tightened that access at the beach for dogs should stay as it is now.

Member Shepcaro replied at this point yes, unless there is some really huge reason to change it.

Member Kobylinski stated that he disagrees. He goes to the beach almost every day in the summer, whether it is in the morning or the evening. Almost every time he has been there, he has seen an out of control dog. He continued that he has a dog and loves his dog. If he was

standing alone with his dog or was to take his dog to a field for evaluation, she would be perfect. If there was another dog there, it would be an entirely different story. He thinks the control of the dog is too arbitrary. He thinks there has to be some type of control. There has to at least be some type of restriction, at least in the summertime in Rye. He has been in the Town for 11 years and there has been an incremental increase of dogs at the beach. An owner can say their dog is under control; however, when there are four dogs off a leash, they are not under control.

Speaking to Member Kobylinski, Chairman White asked if “dog under control” is his main concern. He asked if he would want to see a change in times from when the dogs are allowed on the beach, if the committee could come up with a definition that could be enforced so there weren’t dogs out of control.

Member Kobylinski explained that there needs to be a change in times or some type of restriction where dogs need to be on a leash during the summertime. The only way a dog is truly under control, when there are five or twenty other dogs around, is when they are on a leash for a portion of the time for the beaches.

Member Joyce stated that he can control his dog, even when there are twenty other dogs around. It all depends on how well someone trains their dog. Many people have control of their dogs.

Speaking to Member Kobylinski, Chief Walsh asked if he would be okay with the hours the dogs are allowed on the beach if the committee recommended there be a leash law for dogs on the beach.

Member Kobylinski confirmed.

Chairman White commented that control should be very close to being on a leash.

Member Shepcaro stated she has walked the beach for twenty-five years, often without a dog. She has never been afraid. Has never been accosted and there are a lot of dogs running around at times. She has seen dogs being crazy but not running at people.

Member Kobylinski pointed out that every time he and his wife go to the beach a dog approaches her and jumps on her.

Member Garvan stated that if dogs are leashed all the time there does not even need to be restriction on hours.

Chief Walsh stated they do need restrictions on hours. During the hours between 9:00 a.m. and 7:00 p.m., it’s congested for beach activities. It would not be a good mix to have dogs and people crowded on the beach. If there is going to be the ability to leash or have a definition of control, those hours should stay the same. He thinks this is where the chairman is going with the committee. Is the committee in agreement and okay with the hours on the beach? He thinks the

committee members are in agreement. Between Memorial Day and Labor Day, the dogs are allowed on the beach during certain hours.

Member Garvan commented that he thinks a dog on a leash can be in a big crowd without it being a big problem.

Chief Walsh stated that he disagrees, based on the activity on the beach during an 85 or 90 degree day.

Member Garvan noted that he would prefer to try the “dog under control” and write a bunch of tickets.

Chairman White asked if he would keep the hours of access for dogs on the beach that are in place now, if there was a tight “under control” that was acceptable.

Member Garvan confirmed. It is a reasonable compromise. He noted the state beaches are 100 percent prohibited to dogs. That gives people who don’t want to be around dogs a big chunk of time on the Rye beaches and all the time they want on the state beaches.

Member Shepcaro noted that in Saco, Maine, dogs are allowed on the beach at all times. During July and August, from 9:00 a.m. to 5:00 p.m., the dogs have to be on leashes. At other times, the dog has to be under voice control and the handler has to have a leash. Every community she looked at required a leash in hand so it could be snapped on immediately if needed and dogs have to be under voice control. She noted that Saco is a town of 19,000 people. Saco residents voted in 2015 to do it this way and they are successful.

Chief Walsh stated the committee really needs to focus on enforcement and the costs of enforcing that. He will be asking for a big budget to handle that.

Chairman White stated that it seems to be the consensus of the committee to focus on “dog under control”.

Member Shepcaro stated that she really thinks they need to have an entrance/exit leash requirement at all locations. She thinks that even dogs who don’t need a leash have to have a leash in these locations.

Member Garvan commented that this is where the “more under control dog” is more apt to be attacked by another dog.

It was the consensus of the committee to focus on “dog under control” with the restriction of a leash at the entrance/exit points to the beach.

#### **IV. Reports from the Following Committee Members:**

##### **A. Chief Walsh**

##### **1. Definition of “Dog Under Control”**

Chief Walsh stated that the Town’s Prosecutor, Attorney Griffin, reviewed the current ordinance and he sent a couple of suggestions by email. Based on what the committee talked about, a certain distance the dog is away from the owner, the dog is called one to two times and it comes back, the distance a dog can be away from an owner could mean the dog is already on private property, which has been an issue on the beach. The owner could call the dog once, having the dog come back, and that is considered under control. Meanwhile, the dog has already gone onto private property. If this is the definition of “dog under control”, the case would be lost in court. There is a huge gap with “under control”. For instance, in the Town Forest or on conservation land, if the dog is a distance away, the owner calls two times and the dog comes back, this is within the Town’s ordinance. The owner called and the dog came back.

Chairman White asked if Attorney Griffin thought they could enforce a certain distance and number of calls given for the dog to respond to.

Member Garvan stated there are certain acts by definition that shows a dog is not under control, such as jumping on a person, being on private property and attacking another dog.

Chief Walsh stated this is exactly where the Town is at. The department has to put an employee to stand and watch the dogs. He commented that he thinks people want to know how they can prevent a dog from jumping on someone. There is only one way that is going to happen. By having the dog on a leash.

Chairman White asked if the prosecutor said it would be enforceable to implement a distance and a number of calls in which a dog would have to respond and come back.

Chief Walsh explained that Attorney Griffin said it could be done; however, it does not hold that much merit. It holds the same amount of merit as the ordinance has now.

Member Joyce suggested that the committee draft up “control” language and have Chief Walsh pass it by the prosecutor for his opinion.

Chief Walsh stated that no matter what the committee writes and puts together, it will have to be done on a trial basis, with it going through the court system, to see what happens. The problem is if the Town loses and the court doesn’t hold merit to it. The Town will have to go back to the drawing board. The words “under control” is a gamble.

Selectman Winslow stated it is a similar situation where the Town posted signs stating “\$1,000 fine for dog waste left on the beach”. He continued that they are obviously not going to charge someone \$1,000; however, they saw fewer bags being left on the beach because of that. He



thinks that only one percent will challenge it and bring it to court. Ninety-nine percent will be fine and won't do it again.

Chief Walsh stated he is a black and white person. The "under control" definition is never going to be black and white. He is only giving his input and understands the thoughts of the committee. He will do his best to make it work, even if the language remains the same. It will just not be to the standard that he wants. It may be to the committee's standard, the Selectmen's standards and the Rye voters' standards. He will do the best he can to make it work; however, there are a lot of holes in writing a definition for "under control" and it is not a proactive way to ensure that people and dogs are safe.

Referring to a definition, Chairman White stated they could have a distance, number of calls and certain activities listed as "dog out of control"; such as, going onto private land without the land owner's permission, jumping on people and fighting with other dogs. Speaking to Chief Walsh, he asked if this should be put in writing to pass back to Attorney Griffin for review.

Chief Walsh confirmed.

Chairman White noted that another piece of education and enforcement is an additional problem that needs to be considered after the first step.

Member Kobylinski stated that whether it be 100ft, 75ft or 50ft, the enforcement is going to be a real challenge in terms of cost. When he looks at other towns on the seacoast;

- Seabrook - from Memorial Day "no dogs allowed on the beach" after 6:00 they must be leashed
- Hampton - no dogs allowed on any state beaches
- New Castle - no dogs on Great Island Common from May 15<sup>th</sup> to September 15<sup>th</sup>
- Seapoint Beach, Kittery, ME - no dogs 10:00 a.m. to 5:00 p.m., June 15<sup>th</sup> to September 10<sup>th</sup>
- Wells Beach - April 1<sup>st</sup> to September 15<sup>th</sup> on leash

He asked why these beach towns have either no dogs allowed or a leash law. Rye is the only town with a "no leash" policy. It doesn't make sense. Why is Rye one of the few beach towns from Seabrook to Ogunquit, ME, that has this concern? A dog is an animal. He has an animal. He has a dog. The only true definitive way he knows that dog is under control is when it is on a leash. Going back to dog rights versus people rights, currently he thinks they are favoring dogs on the beach. He is just talking about the summertime. Rye is a town that swells in population during the summer, there are more people on the beach and there is not going to be an enforcement when talking "control", especially on the beach, during summer with lots of people, during high tide or low tide.

Chairman White noted that the Selectmen do have the authority to put in a temporary ordinance (rule).

Selectman Winslow explained that it would be temporary and would have to go to the town for a vote.

Chairman White stated that if this is the method they want to try they could come up with a definition and have the Selectmen put it into effect for a period of time this summer to try it. He noted that there will also need to be various methods to educate the public on the change.

**Discussion on the definition of “Dog under Control” (Ideas for Draft):**

- **Dogs as a distance of no more than 75 feet**
  - **In direct eyesight of owner**
- **Must return within two calls from owner**
- **Certain activities by definition the dog is not under control**
  - **Jumping on a person**
  - **Trespassing on private property**
  - **Fighting with another dog – (No dog interaction)**
  - **Stepping on blankets**
  - **Stealing food**

Member Garvan agreed to work on a draft for the definition for the next meeting.

**Discussion on requiring dogs to be leashed at the entrances/exits to the beach:**

- **Requiring leashes for a certain footage onto the beach**
- **To the wet sand**

**V. Public Input**

Chairman White opened the meeting up to the public regarding dogs on the beach.

**Bob Warner, Wallis Road**, stated that he was at the beach the other day about 6:30/7:00 p.m. and it was a warm day. It is really too early for his very friendly, not vicious but potentially meddlesome dog to be on the beach without a leash. He found that he was calling his dog back several different times, especially when the dog was approaching a family sitting in the sand or people who were sunbathing. There certainly should be a time when people can count on being at the beach, maybe potentially an 8:00 p.m. time, without dogs interfering. He continued that he has not heard the committee discuss the idea of having a day or two during the week that are basically reserved for people with no dogs. He noted that in some ways it pains him a little that he is making this suggestion but he felt really sensitive about how much his dog was in other people's business because she is a friendly dog. He asked how the 75ft limit would affect the people who play with throwing a stick and a ball with their dog on the beach or out into the ocean. He asked if this would include 75ft out into the ocean.

Chairman White stated that the intent is that if a dog is 75ft or farther, if the dog owner calls the dog twice and it does not return, there will be a ticket. The intent is to not limit the distance a dog goes. The intent is once the dog is beyond a certain distance it has to immediately respond to their owner's call.

Mr. Warner stated that everyone who has had a dog on a leash and has encountered another dog not on a leash knows that a dog on a leash is much more likely to be territorial, start a fight and get involved with unpleasant activities. For the most part, his experience with his dog on the beach is the dogs are much less likely to bother people when there are several of them and they play and have a wonderful time. Leashing a dog does not mean it is not going to be getting into or starting trouble.

**Lisa Jacobus, Pine Street**, stated the leash law at the entrance and exit is a good idea. She thinks that a definite definition is also good, especially with signage. It is true that people do not understand what the definition of control is.

**Lindsay McKenna, Acorn Acres**, stated she has never seen enforcement on the beach or in the woods. This is a huge step that should be taken this summer. There was discussion on having volunteers with yellow vests just educating people at the previous meeting. Everyone in Rye knows but there are a lot of people not from Rye who do not know. The permit fees could also be increased to pay for some interns to walk the beach and woods. She has not heard about education for people who come to Rye to rent a beach property for a week or two. The Town may know who provides rental properties and maybe pamphlets could be distributed to all property owners asking them to put them in their rental property. She suggested adding the word "unsolicited" jumping to the definition. Sometimes people will go up to a dog, engage it and a dog will jump up which is perfectly acceptable. She continued that she gets nervous when people talk about limiting hours. She and her husband have limited time with their dog at night and they like to take their dog to the beach or the woods. They will not be able to enjoy those resources if the hours are taken away.

**Donna Reiter, South Road**, stated that she has had the opportunity to be tossed into the ocean by loose dogs. She has had dogs jump on her. Something has to be done. Consequently, she does not go on the beach at all, other than summer. She would say the beaches have gone to the dogs. She noted that she has lived in Rye for thirty years and is a taxpayer. She used to walk the beach every day and now she can't. Something needs to be done so that a dog has to be leashed. She reiterated that she was knocked into the water by two dogs. She thinks she was knocked out because she came to soaking wet, luckily there were no rocks there. She thinks the Town has to look at the dangers that can happen and the lawsuits that can be put into place because there is a problem.

Chairman White asked if she would be in favor of no dogs on the beach on certain days.

Mrs. Reiter replied that she is in favor of dogs on a leash, period.

**Mike Brown, Ocean Blvd,** stated the dog people who go to the beach spend an average of 30 to 40 minutes or an hour there. They do not realize that this starts at sunrise and goes till after dark. It's non-stop. He has lived there for twenty-seven years and he sees everything. He sees people getting knocked over all the time. He also sees that people do not go to the beach anymore because of the dogs. On a crowded day, with a lot of dogs, a person cannot walk the beach without getting sniffed. He pointed out that he likes dogs. He likes dogs on the beach. However, where there is private property and multi-use of the beach, there has to be a leash law. There are people who totally follow the ordinance to the letter; total control and pickup after their dogs. The town is not going to educate people who do not do that. Signs do not mean a thing. He noted that he has tons of photos from this past winter of dogs at his house, people at his house looking for their dogs and yelling for their dogs at 6:00 a.m. He would be in favor of a leash law at all times because the 75ft and two calls is not going to be enforceable. All the other seacoast towns are not allowing dogs off leash anymore. He has noticed that in the past two years it is getting almost incomprehensible because the influx of dogs has been amazing. It is a small percentage of violations but it is growing and the beaches are actually getting smaller. The bottom line is the only thing that can be enforced is a leash law.

**Sally King, Wallis Road,** stated that because of how this has operated for many so many years, she has come to rely on walking her dogs in the summer on the beach. She thinks a number of dogs in Rye enjoy the water. Exercise for her dogs is having them swim. She takes them to the beach in the morning. They swim and it takes care of them for the day. The dogs thoroughly enjoy it and it is great exercise. They usually meet friends and they all play. It is a wonderful experience and a great way to start the day. The dogs are healthier for it and she is too. She sees lots of people enjoying the beach with their dogs extremely appropriately. She would like to see that continue. She thinks the committee is heading in a direction of trying to figure this out incrementally, which she respects.

**Mark Eppl, Brackett Road,** submitted emails from citizens with some suggestions. He stated that he thinks dogs can be under control on the beach; however, if they are not they need to be on a leash. The enforcement officer should say if the dog is not under control it needs to be on a leash. It would be like getting a warning. If the dog is found to be down there the next day and not on a leash, a ticket could be issued. It is like a ticket for speeding. A person might not get a ticket the first time but they do the second time. He noted that he walks his three dogs on the beach. Two of the dogs are older and walk by his side off leash. The third dog is a puppy and he walks the dog on a leash. As far as under control, the two older dogs are totally deaf. He would not be able to call them back because they would not hear him. He also thinks it would be difficult to get all three dogs out of the car on leashes.

Speaking to Mr. Eppl, Chairman White asked if he agrees that the committee needs to find a solution to help the people who are having issues with dogs.

Mr. Eppl replied yes. He continued the key is "under control". The Town needs to come up with what is considered "under control" for Rye.

**Doug Beattie, Ocean Blvd**, stated that in order to get the different groups of people to co-exist on the beach is to really have the dogs under control with a leash. He understands that people want their dogs to be able to swim. Maybe there could be an exclusion that while a dog is actively moving in the water they could be off the leash but otherwise they are on the leash, while maintaining similar hours to what the Town has currently for dogs on beaches. He continued that even dogs that are off leash, and just walking along, are not being watched by their owners. On Wednesday, there was a dog that went to the bathroom on the beach and the owner was oblivious. He noted that two days after the committee's last meeting, someone left a bag of dog waste right at the base of his stairs on the beach and later in the week there was a bag in his driveway. He also noted that he has come across three other bags of dog waste right on the beach, which is clearly a violation. There is a problem. Under control is one thing but also under observation should be another. If the dog is not on a leash and is behind his owner, he may be under control but he is leaving dog waste behind him. They should consider starting the beach hours for dogs before Memorial Day and going after Labor Day because it is not a pure shut off for the summertime. He would recommend a lot more hours where there is a leash law. The dogs need to be under more direct supervision and the only way to do that is to get them on a leash.

**Doug Nelson, Red Mill Lane**, stated that the one incidence that he has had during his time in Town was twenty-five years ago at Jenness Beach. He explained that his off leash dog, who was from a breed of police dogs and was well-trained, was viscously attacked by a Pit Bull mix that was on a 25ft canvass lead. His wife grew up on Ocean Boulevard, on the beach. He continued that he has walked in the Town Forest for more than twenty-five years. He led the group that built the bog bridges. He takes exception at some of the criticism that has been leveled at the group who built the bog bridges. He noted that he and his wife do not walk their current dogs on the beach. If they do, the dogs are leashed and they will always clean up after them. He commented that his dogs will go into people's yards. Property owners are within their rights to not have his dog go into their yard and he understands that. His dogs would chase seagulls on the beach, climb over rocks and get into trouble. However, his neighbors and friends have retriever type dogs who will retrieve a ball and he thinks they should have the ability to do that off leash because their dogs are okay on the beach.

Chairman White asked what he is in favor of.

Mr. Nelson replied that he is in favor of dogs under control around Town.

Chairman White asked if he means off leash but under control.

Mr. Nelson confirmed. He stated that he has four years' experience as a State Park Ranger with the State of New Hampshire. He is the financial advisor to about seven different land trusts in the Northeast. He knows the rules extremely well. He could have the Southeast Land Trust or the Maine Coast Heritage Land Trust speak in regards to their thousands of acres in terms of these topics all day long. He continued that every town that was cited as having an "on the beach leash law" has an off the leash location. In many cases, the property is owned by the town or by

a land trust. He noted that 65% of the people in town did not vote for more enforcement. “Shall the town have the dogs be under control”; that is what they voted for and that is a very important distinction. He wishes that people would be more libertarian, keep it simple and police themselves. This is the message he gave at the Deliberative Session and it seemed to be the consensus in the room. He pointed out that he is very sensitive to Chief Walsh and his department in policing this and understands the issues. He thinks that laissez-faire and common sense is what should rule.

**Gail Giard, Perkins Road**, stated that she has lived in town since 1964. She mostly goes to Jenness Beach and the dogs on the beach are her favorite thing about the beach. While the rights of people that don’t like dogs is taken into consideration, the committee needs to seriously understand the people who love their dogs and have dogs that are completely under control. They are taxpayers too. They bought their dogs with the idea that they would take them to the beach and take them to the woods. She would like that to stay in high consideration. Should would keep the hours; however, possibly 9:00 a.m. to 6:30 p.m., as 7:00 p.m. is late. She thinks that not having the dogs on the beach in the heat of the summer is healthier for the dogs. She likes the idea of putting the dogs on a leash until they get to the beach because that is when they are excited, nervous and could run into traffic. She thinks that a dog professional could help with the definition of “dog under control”. When people get a dog license maybe they could turn in a dog certificate to show they passed an obedience course. Those people would have a different license for their dog because their dog is supposed to be obedient. She stated that she would really hate to see the dogs always on a leash. People that go to the beach should understand that there will be dogs before 9:00 a.m. and after 7:00 p.m.

Ms. Jacobus stated that she thinks there is going to be a bigger issue with a leash law, as far as enforcement is concerned. She would probably keep her dog off leash even if a leash law passed. She thinks they under estimate the ability to be kind, cordial, form relationships and give people feedback. She thinks they can educate people in a way that can change the way they think about walking their dog.

Regarding high tide, Ms. McKenna stated that she does not bring her dog to the beach at that time because there is not enough room for her to run. If there are going to be restrictions, maybe it should include dead high tide that dogs are not allowed on the beach. If there is a leash law instituted in Rye, she and her husband will probably move inland and find a bigger place for a lot cheaper. She thinks a lot of people her age will do that. It will be a real shame that Rye could eventually be just all retirees.

Public comment concluded regarding dogs on the beach.

## **VI. Ideas from Committee Members to Address Dog Issues at the Beach, Town Forest and in General**

### **Town Forest:**

- **“Dog Under Control” Definition**
  1. **Leash law in the area near the abutters to the forest – (Green Trail) Area of highest occurrences**
  2. **Residents only**
    - **Rye Residents only with dogs at Parsons Field, Town Forest or rec area**
    - **Or Rye registered dog**
  3. **Restriction of dogs during a certain time or on certain days so people can use the forest without interaction with dogs**

### **Discussion:**

Member Joyce stated that there should be a leash law in that area (Green Trail). It is the area with the highest occurrence. There has been a lot of education there by the Rye Conservation Commission with signage and handouts. For a twelve week period after, there were dogs every week on camera, as many as 39 dogs and 6 trespassers. It is the same area where wildlife is being harassed and charged in that area frequently.

There was some discussion on the trails Member Joyce is referring to.

Chairman White asked if the committee can talk about the general concept of having a leash law on the trails that are along the abutters' properties where problems are happening. The committee can get into exactly where this would be later.

Member Shepcaro stated there has clearly been a lot of problems in the Tilton property area. She does not believe that from Varrell Woods to Dave Tilton's property there has been serious trespassing. There has been some but not a lot. Most everything has been concentrated at Tilton's corner.

Speaking to Member Shepcaro, Chairman White asked if she would consider a solution to be having a leash law in part of that area.

Member Shepcaro stated that she thinks there are better solutions than a leash law. Possibly fencing around that corner would be a better solution. It could be temporary fence that could be taken down and put up.

Chairman White asked if she would support a leash law at this time in any part of the Town Forest.

Member Shepcaro replied that she would not at this time.

In regards to the trails, Chairman White stated that at this time he does not want to focus on where the location would be. He wants to concentrate on the concept of having a leash law for some area, to be defined, to help limit problems with dogs on abutting property.

Member Kobylinski stated that he would accept that.

Selectman Winslow stated he would like to see a map so he can better understand the trade-off with a leash law and fencing. He would like to see a map of where the fencing would be and where the leash law would be proposed.

Member Garvan stated that he is not opposed to having a leash law on the section that is being the most impacted on a temporary basis to see what that would do.

Chairman White noted that his concern with fencing is that if it is going to keep dogs from going onto abutting property, it is going to have to go beyond the actual problem areas. The other problem is it will restrict wildlife. There is a lot of wildlife that moves in and out of the Town Forest. Does it make any sense to restrict wildlife activity to fix this dog problem? Those are issues that the committee will have to think about. He continued that there seems to be general consensus for at least exploring the potential of a leash zone.

There was discussion on getting a map of the Town Forest, showing abutting properties and the location of the trails.

Member Garvan agreed to come up with better mapping.

Referring to the fencing, Member Joyce stated that the problem is that when the dogs are chasing the deer through, the deer will run around the fence and the dog is still going to run through private property. Also, another problem is that dogs are running deer in the Town Forest; and the birds, foxes and other wildlife. From a safety perspective, the dogs run onto abutters' properties, where there is hunting and trapping. The abutters should not have to deal with that. It's a bigger problem. He knows that residents want to walk their dogs along that trail; however, it is other people from outside of Rye, who are coming to the Town Forest and causing violations.

In regards to the idea of residents only, Chairman White stated that the committee could look at the rec area and Parsons Field at times when there are sports activities. If someone is going to bring a dog there for an activity, then they must be a Rye resident or it be a Rye registered dog. He asked the thoughts of the committee on trying to reign in some of the problems by eliminating a lot of dog activities from out of town.

Member Shepcaro stated that she lives near the rec area and a lot of people come over from Portsmouth for the games. A lot of those people will bring their dogs and walk their dogs when their children are at soccer. She asked what can be done about that because the people are there for a valid reason. They have been invited by Rye Rec to participate in those activities.



Chairman White stated that if this stance is taken, they would be told that they are not allowed to walk their dog and it is for residents only.

Chief Walsh commented that this is going to be a challenge.

Member Shepcaro pointed out that the parking lot at the rec area holds sixty cars. At times, the place is absolutely full. She does not think this idea would be enforceable.

Member Joyce stated that he thinks they could say only dogs licensed in the Town of Rye are allowed in the Town Forest and dogs must wear a collar with the current license. If there is an issue, the dog is not licensed, and it says on the sign that the dog has to be licensed in the Town of Rye, they broke the ordinance. He thinks that would cut down on the amount of people and the major problems in the forest.

Member Kobylinski asked if the Town can legally restrict the forest to just Town residents.

Selectman Winslow explained that at the last meeting they discussed whether the Town has legal rights to restrict non-Rye residents and non-Rye licensed dogs from the Town Forest. Attorney Donovan's response was "no" the Town cannot. Selectman Winslow commented that the committee could still go back and look at this again.

Member Joyce asked if Attorney Donovan has read the easement that states it can be restricted to Rye residents.

Selectman Winslow replied that he has read it. Attorney Donovan's concern was management versus control. The Conservation Commission has management over the Town Forest but the town has control.

Member Joyce reiterated that the document says it can be Rye residents only.

Chief Walsh stated that when they are discussing these ideas they need to consider what the costs will be for enforcement. What will be the cost of an employee and how many hours are they going to spend at the forest trying to enforce this?

Chairman White stated that they will have to face that at the end of all this. It is going to come down to the fact that the citizens of Rye, both the ones that want more control and the ones that want a leash law, are going to have to step up to the plate if they want to keep things the way they are now with more control for the people who need it. There is going to be increased enforcement and that is going to cost money. Part of the committee's job will be to figure that out and make recommendations.

Selectman Winslow agreed to speak with Attorney Donovan further about restricting out of town dogs and the idea of residents only. He will also ask Attorney Donovan for clarification on the powers of the Conservation Commission and the Town when it comes to the Town Forest.

Chairman White asked if there is any support for having any limitation of dogs in the Town Forest. Is there support for a day of the week or any measure of time where a Rye resident, who does not want to interact with dogs, could use the Town Forest?

Member Joyce stated that it would be fair for those people to be able to use the Town Forest at some point in time.

Chief Walsh stated the management of that would be challenging. He noted that he has boundary lines within his budget. The Selectmen have made it clear that this has to be done within the confines of what is existing. This is going to go beyond education and awareness. There have been people in the audience who have said that they are going to take the dogs out anyways. That is going to be ticket, after ticket, after ticket. Officers are going to be called off a case to go and deal with calls that are coming in or another staff member is going to have to be added in order for someone to physically be standing there. That needs serious consideration.

Member Garvan commented that there will be the same challenges with a leash law.

Chief Walsh explained that if there is a town wide leash law, there will be the education and awareness piece and then tickets. There will always be the five precentors who will not follow the rules but it would be easier to deal with. The officer will just see the leash is not there, it is a quick ticket and they leave. If these other things are allowed, the officers will have to manage and control it.

Member Shepcaro stated that her concern about limiting time in the forest is how that would even satisfy people, unless they were able to make their own schedule and could go at the designated time. She is not sure how the restricted hours could be worked in to people's lives. She is not sure how they could pick a time that could be universally used by these people.

Chairman White noted that it comes back to shouldn't the people who want to enjoy the Town Forest or the beach without interacting with dogs have the right to do that?

Member Kobylinski stated that the committee has to realize that it is going to be a compromise. They are not going to please everyone. There are a lot of mixed opinions. Everyone has to think that there has to be a compromise. There should be a period of time where people don't have to encounter a dog. The same goes for the beach. People should have a right to walk the beach without encountering a dog. Everyone has very strong opinions about their dogs walking at the beach or at the woods. He reiterated that life is a compromise and everyone has to consider that.

- **Public Comment**

Chairman White opened to the public for comments in regards to dogs in the Town Forest.

**Sally King, Wallis Road**, stated that a possible compromise for walking without dogs is to pick another conservation piece of land. The Conservation Commission is working on a few of the parcels, putting signage up and making people more aware of them. She thinks that could work. There are pieces of land that don't have easements. Most of them say very strongly that they should be used for conservation purposes. She does not see any reason not to designate another spot and have it be a non-dog walking area.

**Mark Epply** stated that the committee has talked about education and more signage. That is a really good starting place and there should be more

**Lindsay McKenna** volunteered to help with the GIS Maps, as she has been a professional in this field for eleven years. She continued that she would support a leash zone in the Town Forest. She pointed out that Stratham Woods has a lot of those. When she is there with her dog, she just chooses not to go on those trails.

**Lisa Jacobus** stated that she would be happy to pay a fee to allow her dog to be off leash. That could help pay for some of the enforcement.

Chairman White asked if she would be happy to speak in support of an increased funding proposal at Town Meeting.

Ms. Jacobus confirmed. She commented that she would agree to pay \$100 per year to have her dog off leash.

Public comment concluded regarding dogs in the Town Forest.

## **B. Selectman Winslow**

### **1. Report on Town Attorney advise**

- *Addressed during the discussion on the Town Forest. To be addressed further at a future meeting.*

## **C. Mike Garvan**

### **1. Land under RCC management that could allow a dog area or park**

Member Garvan explained there are two types of easements on the conservation parcels. One is like the Town Forest where it is multi-use, conservation oriented, with certain uses allowed and other uses prohibited. Then there are easements that are more general and just say conservation. He noted that he has pulled the easement on Marden Woods and it says that it has to be managed for conservation purposes consistent with the purpose for which it was entered into and shall not be converted to other uses. He continued that he also looked at the RSA's for Conservation Commissions. Basically, the reason there are Conservation Commissions is for proper utilization and protection of the natural resources. In reality, he does not think conservation properties are

good for dog parks. To him, a dog park falls more into recreation than conservation. Maybe the Recreation Department could handle a dog park if that is the route that the committee decides to go. There is also a concern that if one is set up on conservation land it might discourage future contributions of land to the Conservation Commission.

**VII. Date for Next Meeting**

- **Monday, June 4<sup>th</sup>, 6:30 p.m.**

**VIII. Other Business**

- **None**

**Adjournment**

**Motion by Kevin Kobylinski to adjourn at 8:20 p.m. Seconded by Shawn Joyce. All in favor.**

Respectfully Submitted,  
Dyana F. Ledger