

RYE DOGS AT LARGE COMMITTEE MEETING

Wednesday, June 20, 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.

II. Approval of Minutes

o June 4, 2018

Referring to the motion on page 15 (middle of page):

Motion by Kevin Kobylinski to require dogs to be leashed on Saturdays, after 7:00 p.m., during the summer from the Saturday before Memorial Day to the Saturday after Labor Day.

Chairman White asked if the members would be amendable to clarifying the motion to read:

Motion by Kevin Kobylinski to recommend to the Selectmen that the town institute a trial requiring all dogs to be leashed on town beaches from 7:00 p.m. to 9:00 p.m. on Saturdays beginning the Saturday before Memorial Day until the Saturday after Labor Day.

Speaking to Police Chief Walsh, Selectman Winslow asked if this trial would have to wait until next year.

Police Chief Walsh replied that it would because the Selectmen would need to do a public hearing. The select board would need to make a decision if they would like to make this a Selectmen's ordinance. It would also run up against the town meeting, which could affect this if clarification is being made to the town's dog ordinance with people voting on it. He continued that it could go to a public hearing and be done this year; however, it was the opinion of the committee that this should be one of the recommendations to the select board.

Chairman White stated that the other piece is how this information would get out to the public, which would be difficult if this was done in a hurry.

The committee did not have any objections to the amendment to the motion.

Corrections to minutes:

- Page 15, Motion (middle of page) should read: **Motion by Kevin Kobylinski to recommend to the Selectmen that the town institute a trial requiring all dogs to be leashed on town beaches from 7:00 p.m. to 9:00 p.m. on Saturdays beginning the Saturday before Memorial Day until the Saturday after Labor Day. Seconded by Shawn Joyce.**
- Page 2, last paragraph, 2nd to last sentence should read: **He thinks that's where Attorney Donovan is going with the public land.**

Motion by Phil Winslow to approve the minutes of June 4, 2018 as amended. Seconded by Mike Garvan. All in favor.

III. Conference Call with Town Attorney

Questions from committee members reviewed:

- Attorney Donovan had said that they could not license dogs; however, the committee was talking about a permit tag for use in the town forest. Can the town issue permit tags for dogs to be off leash and charge for them?
- Can there be a permit process for off-leash dogs for Rye residents and non-residents?
- Clarification on Attorney Donovan's statement about the town forest being town property, as opposed to being deeded to the Conservation Commission.
- Clarification on the statement about banning dog walkers.

In regards to charging people, Member Joyce stated that they are not actually going to make people get a dog license but a license to use the forest with a use permit. A Rye resident would automatically get a use permit with a dog license. Other people would have to pay because they do not have a licensed dog in town.

Selectman Winslow asked if this would be for use on the beach also.

Chairman White asked if they had that authority.

Referring to Attorney Donovan's statement in his memo to the committee about *the town forest being town property, as opposed to being deeded to the Conservation Commission*, Member Shepcaro stated that mostly the properties are owned by the town and the Conservation Commission manages it. She would like clarification.

Selectman Winslow asked if everyone is clear that parking can be restricted at the town forest and there can be a restriction for Rye dogs only.

Member Kobylinski asked if businesses could be restricted.

Chairman White stated that Attorney Donovan said that there was no guarantee that this could be prosecuted. He didn't say it couldn't be done; however, the committee decided that this was important. The committee said it was a recommendation that they would like to see.

Member Joyce commented that it is clear that the forest can be restricted to town residents only as the easement states.

Attorney Donovan (town counsel) was contacted by telephone and joined the meeting at 6:12 p.m.

The committee members confirmed that Attorney Donovan could be heard by phone.

Discussion with Attorney Donovan:

Member Garvan stated that he understands that the town has no authority to license out-of-town dogs. The committee is interested in issuing a use permit so the town is able to give people information in regards to the town's dog ordinances.

Attorney Donovan stated that he believes this can be done. As was discussed with the committee, when a Rye resident licenses their dog they would automatically get their permit. He assumes this would be for walking the dog in the town forest.

Member Garvan replied yes. The dog would be able to be off leash in the town forest.

Attorney Donovan stated that the town could require out-of-towners to get a permit and be charged a fee for that. He continued that the email he read stated that the out-of-towner could not get a permit if they did not do certain training. If that requirement is established, it would have to be put on everyone who gets a permit, not just the out-of-towners.

Member Garvan commented that other municipalities have done this for both residents and non-residents. They may be asked to watch a video and sign off on the rules.

Speaking to Attorney Donovan, Member Shepcaro stated that she is looking for clarification on the email memorandum addressing the town forest; *"First the town forest is town property, as opposed to other conservation land deeded to the Conservation Commission, which is arguably Conservation Commission property"*. She continued that she is on the Conservation Commission. Generally, the land is owned by the town and managed by Conservation, including the town forest. Very few parcels are not done that way. She is looking for a clarification on this statement.

Attorney Donovan stated that it is town property; although, most of the properties are actually deeded to the Rye Conservation Commission on behalf of the Town of Rye. He continued his paragraph is based on the statutes that give the powers to the Conservation Commission. The statutes give the Conservation Commission the authority to manage and control the conservation

land. RSA 36-a:4, uses the word “control” when stating the powers of the Conservation Commission over the use of conservation land. He noted that the word “control” is missing from the town forest statute, which is why it is left to the town voters and the Selectmen to regulate the town forest and not conservation land.

Chairman White asked if the town voters have the authority to do something different than what the Conservation Commission is doing on a piece of conservation land.

Attorney Donovan stated this cannot be done. The powers of the Conservation Commission are granted by statute.

In regards to banning a paid dog walker in the town forest (or on town beaches), Selectman Winslow asked if paid dog walkers could be banned, if the town established a process of permit tags for dogs being off a leash, unless they adhere to this same process. He clarified that the people would have training and sign off on documents stating that they will abide by the rules and regulations in order to receive a specific tag to put on the dog in order to be off leash. Can the dog walkers be banned from walking dogs, unless they were on a leash?

Attorney Donovan replied he thinks this can be done. However, there might be a complication because the type of training being discussed involves the dog and the owner. He is not sure how this could be managed with a commercial dog walker. It would depend on what the requirements would be in order to receive the permit. If that can be worked out, he believes this can be done. He noted that everyone has to be treated equally.

Speaking to Attorney Donovan, Chief Walsh asked if he reviewed the dog ordinance that Attorney Griffin had drafted.

Attorney Donovan confirmed.

Chief Walsh stated that Attorney Griffin agreed that the town adopted the State RSA. He was looking at enforcement for “under control” if guidelines are added. He asked what kind of pushback they would get from the court on this.

Attorney Donovan stated that the town cannot enact an ordinance that is contrary to the definition of “dog under control”; however, there can be guidelines. The guidelines would be administrative for the police officers. The guidelines would not be part of the ordinance. If the guidelines are wisely applied by the officers they would stand up in court. He reiterated that the guidelines would not become something that is a written ordinance. He stated that some of these questions are complicated because it is dealing with land in five different categories; beaches, town forest, town property, public places and Conservation Commission land. This is also dealing with all other land at large, which is basically private property. As far as, the beaches, town forest, town owned property and public places, he thinks the Board of Selectmen and the town meeting have the authority to enact regulations that control dogs in those areas; however, it

does not extend to the town at large. In those areas, there would not be a problem, as long as the town is not regulating in a manner that violates equal protection.

Member Kobylinski asked if a dog owner or person can go after the town, from a liability aspect, if they were bit by a dog or if their dog was bit by another dog, if they felt the town should have enforced the law or felt the law was too loose.

Attorney Donovan stated that they could do that but he does not think they would have much of a case.

Member Joyce asked if the town has the ability to enact a leash law on all the beaches, forests, conservation land and the entire town, if the town was to vote in a leash law. He noted that every other municipality around Rye has a leash law. All those dogs are coming to Rye.

Attorney Donovan explained that the town would have to repeal the dog control law that adopts the State statute because any leash law that the town put in would conflict. It is possible the town could put in a town wide leash law with respect to the beaches, town forest, town property and public places. Also, the Conservation Commission can do this on conservation land. However, the town at large cannot be done without rescinding the leash law. There would be a question as to whether the legislature intended the leash law to be the only control and without that dogs can run free. He pointed out the State has different authority than the town.

No further questions for Attorney Donovan were heard from the committee.

Attorney Donovan adjourned from the meeting at 6:29 p.m.

Chairman White stated that the takeaway is that the town can do the “dog under control” definition that the prosecutor feels would work on the town forest and beaches.

IV. Final Discussion and Decision of the Definition of Dog Under Control

The committee reviewed the definition that was drafted by Attorney Griffin.

Chief Walsh noted that Attorney Griffin drafted what he felt the committee was trying to accomplish, which is trying to get the enforcement piece on “under control”. He gave Attorney Griffin a list of complaints the town has had; dog on dog attack, a dog jumping on a person and dogs running from public onto private property. Attorney Griffin also looked at what is currently on the books and drafted something that can be enforced. Attorney Griffin and Attorney Donovan both agree that this can be used as a guideline. It is not something that would be attached to a town ordinance. This would be for the police department to use as guidelines for “under control”.

Chairman White asked if the guidelines would have to be advertised to the public.

Chief Walsh stated that there would definitely need to be an education awareness campaign. He thinks they would get a considerable amount of mileage by doing that. After all, what they are really looking for is voluntary compliance. If ninety-five percent of the people comply, then property owners and people enjoying Rye's land will feel safe. The department will then need to deal with the five percent who do not get the message. He commented that it is still up in the air as to how this will go in court. The court is still going to look at the town ordinance as it is written without those guidelines. Whether they find the person guilty or not, for their dog not being under control, remains to be seen.

Chairman White stated that he thought it was said that this could be instituted by warrant article for the town forest and the beach but not town wide.

Chief Walsh explained that the definitions could not be attached to the town ordinance. The police officers can use the guidelines to address "dog under control".

Chairman White commented that he thought Attorney Donovan differentiated between town at large and individual town forest and beach. This could not be imposed for the town at large because this would fly in the face of State law but on town property it could be an ordinance.

Chief Walsh noted that he is meeting with Attorney Griffin and he will discuss this with him.

Selectman Winslow stated the he is hearing two things. Chief Walsh is talking about further set definitions for his officers which might be more in depth.

Chairman White asked if there is a consensus to recommend to the Selectmen to go forward with an ordinance that would require this definition to be applied on the town forest and town beaches. The guidelines would also be applied town wide but that would be a separate issue.

Member Joyce stated that they need good language on what it means to control a dog. That is the crux of the whole issue.

Selectman Winslow commented that once the education process is started and people start to think seriously about this, he thinks they are going to see a significant drop in issues.

Member Garvan stated that he was going to make a motion on the definition that he sent to everyone that the committee collaboratively put together. The one that Attorney Griffin put together addresses all of those. If Attorney Griffin thinks that is more enforceable, he is happy to go with it and make a motion.

Motion by Mike Garvan to submit to the Selectmen a definition of “dog at large”, for the town forest, town beaches, town property and public places;

- **A dog at large means the dog is off the premises of the owner or responsible party and not under the voice and sight control of any person responsible for the dog.**
- **Voice control of the dog is defined as a dog returning immediately to and remaining by the side of the responsible party, in response to the responsible party’s command for the dog to return.**
- **Sight control of a dog is defined as a dog always being within the sight of the responsible party.**
- **The dog is also specifically defined as “at large” under the ordinance when;**
 - 1. The dog is on private property without the permission of the property owner.**
 - 2. The dog jumps on an unwelcoming party.**
 - 3. Shows aggression to another dog and is not under voice control of the responsible party.**
 - 4. A responsible party refuses to call their dog through voice control when requested to by an authorized Town of Rye Official.**

Seconded by Phil Winslow.

Speaking to Chairman White, Member Shepcaro asked if he was comfortable with the definition. She asked if the committee needs more clarification before this is voted through.

Chairman White stated that he thought he heard Attorney Donovan say that town owned property is different than town wide. At the end, he said that this could be implemented on town property.

Selectman Winslow stated that he specifically said “beaches, town forest, town property and public places”. Conservation land would be under the Conservation Commission. All other property in the town at large couldn’t be covered.

Chairman White opened to the public for comments or questions.

Public Input:

Mark Epply, Brackett Road, stated that there seems to be overlap in the definition of “dog at large” and “dog under control”. He asked if there are going to be two definitions.

Member Garvan stated that he thinks Attorney Donovan wants them to go with the RSA. The RSA language is “at large”.

Mr. Epply asked if they were going to have separate definitions.

Member Garvan replied no.

Mr. Epply asked if this is the State definition.

Chairman White explained this is not the State definition. This definition is for town property and town beaches only. It cannot be done town wide.

Referring to “dog at large is on private property without permission of the homeowner”, Mr. Epply stated that if there is a sign stating “no trespassing” that would mean they do not have permission. How would someone know they have permission or not if there is no signage?

Chief Walsh explained that the normal protocol, even if there isn’t a sign, if the property owner says they do not want the person on their property, that person can be issued a trespassing notice. He continued it would not be a strong case if the property is not posted and the person is there for the first time.

Mr. Epply commented that it seems unclear as to whether someone can walk on somebody else’s property, unless they have verbal or written permission to be on that property. He noted that the definition does not address the blind and deaf dogs, in regards to under voice and sight control.

Chief Walsh stated that if the dog has challenges that is something that will be addressed when the officer asks questions and the person gives them information. The officer will use discretion in a manner that will be safe for everybody. Obviously, if there are some disability factors that need to be considered that is understandable.

Sally King, Wallis Road, Conservation Commission Chair, stated that there are several properties that abut the town forest that are not town forest. These parcels were acquired after town forest and are under Conservation Commission control.

Chairman White asked if the Conservation Commission would establish something similar on those parcels if this is established for the town forest.

Mrs. King stated that it would be the hope that there would be consistency; however, it depends on how the Conservation Commission members vote. She reiterated that there are several pieces of property that people think are the town forest that are not. The Conservation Commission does not just manage the forest management portion. They also manage the trails. Historically, the Selectmen have not managed or controlled the town forest.

Lindsay Gray, Acorn Acres, stated that at the last meeting there was discussion that the number of calls for a “dog under control” was two calls. It is now down to an immediate call.

Chairman White stated that this is going to be at the discretion of the officers.

Chief Walsh explained this will come into play during training for the officers if this becomes an ordinance. The judges in the court system are reasonable people. In his experience, the judges will not accept one call. The training will talk about multiple calls and the officers will look at the language and the circumstances that they are dealing with.

Peter Crawford, Brackett Road, stated that he thinks this needs to be looked at in connection with the RSA. Referring to “a responsible party”, he asked what that means. He asked if this means the person to whom the owner has entrusted temporary custody of the dog. If that is what is meant, the committee might want to put that in there. To him “responsible party” is a bit vague.

Chief Walsh stated that he does not see this as vague. A “responsible party” could be a neighbor walking someone’s dog or an adult person walking their parent’s dog. They would be considered the responsible party. The officers will be looking at who is supposed to be responsible for the dog. Who is supposed to be managing the dog, making sure the walk is safe for the dog and not disturbing someone else.

Mr. Garvan commented that he has seen other municipalities use the word “handler”.

Chairman White stated that the next step will be to get this onto a legal level with the Selectmen doing a warrant article and fine tuning the words. The committee is just trying to get it as close as possible so it will be helpful to the Selectmen.

Chief Walsh stated that he will be speaking with Attorney Griffin and will review the wording with him. This is in a draft stage and they can tighten the language as it goes forward.

Referring to “unwelcoming party”, Mr. Crawford stated that he assumes this is someone by word or body language who has expressed that they do not want the dog jumping on them. He is not sure that is entirely clear.

Pat Breslin, Old Beach Road, stated that it is difficult when someone is handling four or five dogs. Sometimes there are four or five people with four or five dogs and they are clearly not in the sight of the person. She asked if there has been any discussion on one person with one dog being on the beach, as opposed to one person and four or five dogs.

Chairman White stated that they did have some discussions on that; however, the committee believes this definition will cover that. If a person is at the beach with four or five dogs and one of those dogs does not respond, it’s a violation. The definition creates a situation where it doesn’t matter what the dog numbers are. The person has to have control of all the dogs with them.

Member Shepcaro noted that she and Member Joyce were asked to come up with requirements for handlers, which they have done. This would be something that would be handed out when someone is licensing their dog. These suggestions will be discussed as a committee.

Ms. Breslin stated that there is nothing in the definition about dogs defecating on the beach and their owners not picking it up.

Chief Walsh explained that this is covered under the littering ordinance. People have to pick up the waste, have it in a dog waste bag and carry it with them at all times. That was put into place two years ago.

Ms. Breslin asked if this is on the signage at the entrance to the beaches.

Chief Walsh confirmed.

Chairman White stated that he assures that if the Selectmen go forward with any of the warrant articles, and they pass, there will be a substantial public informational campaign. There will need to be a public education campaign in order to get this to work.

David Tilton, Washington Road, stated that he has allowed people to walk the perimeter of his property for quite a number of years. The “no trespassing” signs are highly posted and very visible about 10ft in from the boundaries. With the dogs running free, it got to a point that he put “no dogs allowed” when a dog leash law was not passed. He did not deny people access but the ones with dogs he did. In hindsight, it would have been great if he had said dogs are not allowed with people unless they are on a leash. If a leash law was passed in the town, none of this would have ever taken place. He understands what the committee is trying to do but he does not see it taking place unless there is a leash law or restrictions through the town forest to keep them away from private property and other people like himself.

Chairman White stated that this will be the next topic of discussion. The committee will discuss any additional regulations specific for the town forest.

Chairman White called for a vote on the motion. No members spoke in opposition to the motion.

**Motion passed by consensus.
All in favor.**

V. Discussion of Any Additional Measures for the Town Forest

Discussion:

Member Joyce stated that if the town forest is restricted to residents only it will cut the problem immensely. It is the dogs that are from outside of Rye that are coming in and creating problems. He also believes that dogs have to be leashed along the land that abuts the back of the forest. This is the area where there are problems and it has gotten worse over the last few years. The property owners in this area want it resolved. They don’t want to have to keep calling Chief Walsh. The officers come, it is after the fact, the people are gone and it can’t be enforced in the woods. If there is a leash law it will be a lot cleaner.

Chairman White commented that he would like to start with residency and parking. He asked if there is any support for an ordinance that would restrict the use of the town forest by people with dogs to residents only.

Chief Walsh stated that in looking at the town forest and recreation area, these are multiple properties with multiple uses. If the restriction was put in for parking, the way this would be enforced would be with Rye Beach stickers; however, the rec area hosts a number of out-of-town events and parking is tight so people would be going into areas that would be permit parking. It would be a huge challenge to try to enforce this. In looking at Parson's Field that is easier. It is not as heavily used as the rec area. To restrict the parking at rec is going to be very difficult.

Member Shepcaro stated that she does not like the feeling of saying someone can't come that is not from Rye. She understands there have been a lot of problems as a result of other people coming in from other towns. However, she does not necessarily think exclusion is a great idea.

Member Garvan stated that he would rather see a permitting process, which would not only educate but raise some funds for enforcement.

Member Kobylinski stated that in regards to enforcement at the woods, there is only going to be a call when there is an issue, such as a shooting or an attack. He thinks there should be something like the beach where there is a certain amount of time that dogs are on leashes in the woods and a certain amount of time that they are off leashes, similar to the beach restriction.

Member Shepcaro stated this is impossible, not practical and unenforceable.

Member Kobylinski stated that similar to the beach, there should be a time when people can walk around without dogs running around, as much as people should have the right to be in the woods when dogs are running around. There has to be compromise.

Member Joyce stated this goes back to what is fair to people who do not want dogs jumping on them and those people have rights over a dog. If a dog is on-leash in the Rye woods, the dog will not be jumping on people and won't be doing things they should not be doing, such as going on private land. Everyone ignores the fact that the dogs are chasing wildlife in the whole back area of the forest all the time. This has been caught on camera and firsthand accounts have been given. This keeps getting ignored by the Conservation Commission and it is a safety issue. The dogs are running deer through private land and it is a problem. That is what is happening with those off-leash dogs and it needs to be cleared up. It is not fair to the property owners along the back of the forest. It is not fair to have all those dog incidences happening on their properties.

Referring to the idea of resident only, Chairman White stated that parking sounds like it would not be a good enforceable method.

Member Garvan stated that it does not seem like dogs are causing the problems in the town forest when there is a little league game at rec. He thinks they could say that this cannot really be enforced at that particular time; however, the other entrances to the forest could be controlled.

Chief Walsh stated that he has found that there are certain things that need to be “black and white”. When it comes to the quality of life and control, like parking, it has to be “black and white”; either a ticket is issued or it’s not. That is what has enabled the police department to maintain order and safety with vehicles over the years.

Member Garvan asked if there could be a section of parking for dog walkers or people with dogs only.

Chief Walsh stated that when recreation has a sports event it is all out chaos. He does not know how they could manage permitted areas at rec. If every area was made a permitted area that would be an easy thing. He could promote that one hundred percent. It would just be an education and enforcement piece. It would be under control within two years. However, because that property is multi-use, there is just no way to do that.

Chairman White asked how enforcement would work in regards to use of the town forest by out-of-town residents with their dogs being restricted.

Chief Walsh stated that he does not know how they can enforce it.

Chairman White commented that he thinks word would get out that non-residents would get tickets.

Chief Walsh stated that the idea is to not rack up the officers’ hours and ask for more money from the town to do that. Also, where is the town going to find the employees to do this? If this restriction is put in place, it will take one to two employees at the town forest twelve hours per day, seven days a week. Right now, the town is paying employees to watch people with dogs at the beach. That will essentially be adding another place where that has to be done.

Member Garvan asked if this would be true with a leash law.

Chief Walsh stated that a leash law would be a year or two with education and enforcement. It would then be completely under control; either the dog has a leash or they don’t. He continued the leash is a proactive way to keep the dogs safe. It’s a proactive way to keep the dog from going onto private property. If the police department was tasked with a leash law, he would be looking at a year to two years to get it where it needs to be in terms of education awareness and enforcement. The maintenance moving forward would be a lot less.

Member Garvan asked if it would be the same with a permit tag for the dog.

Chief Walsh explained that the permit tag is not something that will keep the dog under control. The leash will. A leash can be seen. Someone has to walk up to a dog to see if it has a tag. That will be more of a commitment for maintenance.

Chairman White stated that the committee has to look at ideas that they might think will help solve some of the issues in the town forest. The enforcement piece will be something that they can talk about if they decide they want to go forward with residents only. The additional piece will be looking at what is needed for additional personnel and where the money is going to come from. He would like to stay with deciding whether having residents only with dogs in the town forest will help solve some of the issues that are going on.

Member Garvan stated that it will certainly help but there are still a lot of residents with dogs at large.

Chairman White stated that they would have the “dog under control” definition and non-residents would be eliminated.

Member Shepcaro stated that when the town forest was created it was not to be closed to people. Jane Holway is a huge proponent of this being open to everyone. She believes that Mel Low is the same. Those people actually worked on that project for several years. She thinks it is important for people to understand that the easement might say it can be restricted but the intention was that it was going to be open.

Member Garvan commented that it is only restricting one use for non-residents.

Member Joyce stated that basically people can use the town forest but out-of-town people would not be able to bring their dog.

Member Shepcaro pointed out the easement does allow for dog walking. It doesn't say “resident only dog walking”.

Member Joyce noted that the easement does state that it can be town residents only. However, if it was required that dogs be on leash, there would not have to be a worry on whether dogs were from town or not and the dogs would be under control. That is the issue the committee is talking about. It can be assured the dogs are under control by having leashes.

Speaking to Member Shepcaro, Selectman Winslow asked if she is against restricting parking at Parson's Field to just residents.

Member Shepcaro replied that she is not against it completely but she also thinks it would be hard. People do go to Parson's Field for other things, such as events. She is not one hundred percent against it but she is not in favor of it.

Member Kobylinski stated that whatever restriction is put in the town forest is going to be that much more difficult than the beach. He thinks it is important to have some type of law on the books, even if thirty percent of the people are not going to obey it.

Motion by Kevin Kobylinski to restrict the use of the town forest for dogs to Rye residents only. Seconded by Shawn Joyce.

Chairman White opened to the public for comments.

Public Discussion:

Mr. Epply stated that the idea for a permit for out-of-towners would make sense. He thinks it would be enforceable. There could be an officer periodically at an entrance to the town forest. If someone drives in, they do not have a tag and are from out-of-town, they would have to leave or get a ticket. The officers do not have to be there every day. It would be periodically. People who have been turned away will know to get a permit or not to go back.

Chairman White asked if the intention of this is to raise funds.

Mr. Epply replied yes to raise funds. Also, within less than a year, people with unpermitted dogs will not be coming to town because they know that they will be getting a ticket.

Mrs. King stated that there are other conservation pieces of land that are appropriate for people to walk without dogs. That would be an option that could be brought up to the Conservation Commission. She commented that she has been walking the town forest for many years and sees very few people walking without dogs.

Ms. Gray stated that restricting it to residents only comes off as being very elitist. There are other towns that have areas for dogs to walk off-leash, such as Exeter, Stratham and Durham. She has researched municipalities in Massachusetts with similar demographics to Rye that have applications for dogs off leash for residents, professional dog walkers and non-residents. The non-resident application is \$100 per year. She asked if Chief Walsh could reach out to those communities' police chiefs to see how it is going.

Chief Walsh confirmed. He continued that Newton, Mass., has a leash law. In order to have the dogs off leash, the owner needs to apply and get that permit. He reiterated that if there is going to be a permit to have a dog off leash, there should be a leash law. Rye residents and non-residents can apply for an opportunity to walk their dog off leash.

Member Kobylinski stated that Newton is the eleventh largest city in Massachusetts with a population of 88,000. He does not think it compares to Rye.

Chief Walsh reiterated that if there is going to be a permit for dogs there needs to be a leash law.

Mr. Crawford agreed. There needs to be a leash law in place and this becomes the exception. If someone gets the permit then their dog can be off leash. With regard to the resident and non-resident, he has a real concern about how this is going to be enforced. Are the officers going to be stopping people on the trails to check their ID's? That does not seem workable. It goes back to the permit and having some sort of very visible tag or harness that identifies that dog as being a dog that is authorized to be off leash on town property. It has to be something that is very simple that the police can enforce. In regards to the definition of "voice control", this should also be part of the process. Before someone is given a tag, they should meet with the animal control officer who will confirm the dog can be given voice commands and abide by this process. The permit could be made available to residents and non-residents.

Speaking to Chief Walsh, Ms. Breslin asked if the leash law would be town wide or only the town forest.

Chief Walsh stated that he would like a town wide leash law. Attorney Donovan and the committee have been talking about the town forest, beaches, Parson's Field and the rec area. That is where the conversation has to start first. If there is going to be a permitting process for a dog, those areas should have a leash law. After that, there should be a process for people to have their dog off leash.

Ms. Breslin stated that she totally supports this. She is faced every day with dogs being off leash and out of control. There isn't a good reason for a person to not have a dog on a leash if they are walking on public property. She has heard people say it is cruel to the dog. If a dog is trained it really isn't.

Ms. Gray suggested talking about "dogs licensed in Rye" instead of "Rye residents".

Chairman White commented that he thinks this is the committee's intent.

Chief Walsh stated that he really thinks the area should have a leash law. Someone would then have the opportunity to apply for a permit or tag to have a dog off a leash. That seems reasonable and it also covers some of the areas where the problems are occurring. It doesn't take in to account whether it's a resident or a non-resident. This will just be across the board. If they are responsible dog owners, they will go get the permit and will continue to enjoy their dog off leash. For the ones that are not being responsible, it will give an opportunity for some enforcement with some teeth. It will also give an opportunity for education and awareness.

Speaking to Member Garvan, Selectman Winslow commented that they were talking about an insignia on a dog. He asked if Rye residents who are getting their dog licensed would have to do something additional.

Member Garvan stated that it is hard to segregate the issues. Obviously, over use by non-Rye residents has contributed to the problem. However, the real problem is out of control dogs, whoever the owner and where ever they live. Attorney Donovan has said that if there is a

process by which a non-resident has to go through to get a tag, a Rye resident would have to go through that same process or it wouldn't be equal under the law.

Chairman White commented that they are discussing whether they want to limit it to Rye residents. The next step would be to decide if there should be a process for non-residents.

Chief Walsh commented that to enforce that will be a huge challenge.

Chairman White stated that the committee will need to make recommendations for additional funds or officers.

Chief Walsh pointed out that the charge is to do this "*without financial burden to the tax payers*". The committee needs to keep that in mind when they are making their recommendations.

Chairman White called for a vote on the motion for the use of dogs in the town forest to be restricted to Rye residents only.

Vote: 2-4
Motion failed.

Chairman White suggested that the committee take up the issue of the Green Trail, which abuts the land where the landowners are having issues.

Member Kobylinski stated that requiring any dogs on the Green Trail to be on a leash is going to take care of any issues for abutting landowners. It will also allow for an area for people to walk without a dog jumping on them.

Speaking to Mrs. King, Chairman White asked if the Green Trail is well definable.

Mrs. King pointed out that this is not just town forest land but also conservation land.

Chairman White noted that this would have to be on the town forest piece. There would need to be a recommendation from the Selectmen to the Conservation Commission to have an appropriate matching set of regulations.

Member Shepcaro stated that some of the trail is mismarked as Green Trail. Some of it was Red Trail and White Trail and marked as Green Trail. It would really need to be specified and well defined.

Member Joyce commented that they could say "*the trail as it appears on the map*".

Chairman White suggested that they work on the concept with it not being the final description. He agrees that it will need to be well defined.

Member Joyce stated that the map shows the whole trail that goes around the loop. It is pretty well defined and delineated. There could be signs at the entryways to the area that dogs have to be on a leash in that area. This would also give other people in town, who do not want dogs jumping on them, a place to go in the forest that wouldn't have dogs. That would also help with wildlife issues because this is where the animals are coming through. It solves a lot of issues by having this restricted to dogs on a leash and still allows dogs to be there. There are a lot of other pieces within the forest that wouldn't be restricted.

Speaking to Mrs. King, Selectman Winslow asked the percentage of trails they are talking about.

Mrs. King replied that she does not know.

Member Garvan commented that it is probably half.

Mrs. King stated that in terms of enforcement, this is the far back corner of the forest and this would be really difficult. That area is also less used than a lot of the town forest.

Member Shepcaro stated that this is an area that is more frequently walked with dogs. People don't necessarily go back there and often dog walkers do. It is not used much.

Chairman White stated this would add to the argument that this would be a good place to do a leash law because it is not used much.

Member Shepcaro commented that if someone is going into the town forest for a walk this is the last place they would go. The main area from Parsons and around is the much more used part of the woods.

Chairman White clarified that this would impact the minority percentage of dog walkers because a small percentage is using the Green Trail.

Member Shepcaro noted that dog walkers are the users of that area more than walkers.

Member Joyce pointed out this area is abutting private land. Forty-nine dogs were caught on camera going onto private land and the landowners want to stop that. This committee was formed because this needs to be resolved. All those off-leash dogs cannot continue to go onto private land, chase wildlife and habitat.

Member Garvan stated that he can see it being leashes only from the Connell property all the way to where Dave Tilton's property ends. The entire area where the trespassing is going on will be leashes only. He agrees that there will be enforcement issues. It can be signed properly and people will get the word. That will also protect the wildlife. The Trails Committee talked about this area being a wildlife preserve and maybe having certain restrictions because of that. It would make sense to have that section leash only.

Chairman White asked if this can be easily described for the ordinance.

Member Garvan pointed out that it could be described by property or they could use GPS coordinates.

Member Kobylinski stated that he does not think this is going to work. He walks this area quite a bit and there are a fair number of walkers without dogs. He thinks any restriction is going to be complicated. There are already signs posted and there are dogs running all over the place. People are not paying attention to the signs now. There is always going to be a fair number of people who are going to break the law no matter what. This is too confusing and too difficult to enforce. Having one stationary law makes more sense.

Member Garvan commented that he agrees that enforcement will be difficult for Chief Walsh and his officers because it is deep into the town forest. He continued this area is the least used by walkers without dogs. The dogs jumping on people and getting into fights is happening on the main trails between Parsons and rec.

Speaking to Member Joyce, Chairman White asked what his sense is of the description that Member Garvan gave to having that area leash only. He asked if it is felt that there would be a big impact on lessening the dogs on posted land.

Member Joyce stated that the reality is it will have less impact if it was leash only in that whole area. He thinks that people don't walk back there because there are so many dogs. Some people don't even go into the town forest because there are too many dogs. He believes there are many people who would like to use the trails in the town forest but don't go in because there are so many dogs.

Speaking to Mr. Tilton, Chairman White asked if he understands the land that is being suggested by Member Garvan for leash only.

Member Garvan reviewed the area on the map for Mr. Tilton.

There was discussion with Mr. Tilton in regards to where the dogs enter his land.

Member Garvan commented that neither his plan, nor Member Kobylinski's plan, addresses the significant part of Mr. Tilton's land.

Chief Walsh stated that if there is a leash law for the town forest and the rec area, and there is a program that someone who wishes to not have their dog on a leash could follow to get a tag for their dog, it would be the best of both worlds. Enforcement wise, the department can deal with this because when people are coming out of the forest the dog will either be on a leash or will have a visible tag. If Mr. Tilton and Member Joyce are still calling the department because the dogs are still coming, then he can take a closer look at having the ACO do further research on

being actually in the forest. He will be able to see if the dogs are on a leash or not. Either the dog has the program tag or it doesn't.

Chairman White clarified that the dog owners who want to have their dogs in the town forest off leash will need to pass some kind of test.

Chief Walsh explained that dog owners register their dogs with the town. The Town Clerk's Office have been passing out the dog rules for the beaches. If they want to have their dog off leash, they would get a list of rules that they would have to follow and have the tag on the dog or get a ticket without question.

Chairman White asked if the dog owner is going to show the ACO that the dog is under control, in order to have the dog off leash.

Chief Walsh stated that this would be time consuming to implement. The dog owners could get the rules when they register their dog. This will tell them the rules to have their dog off leash, otherwise, the dog has to be on a leash.

Chairman White asked if there would be no cost to Rye residents and a cost to out-of-towners.

Chief Walsh commented that this is up to the committee. His interest is to make the dogs safe, people safe and to reduce the complaints from private property owners.

Motion by Shawn Joyce to recommend a leash law in the Rye Town Forest; however, a person can get a tag from the Town of Rye, by paying a small fee and obtaining a list of rules of what it means to have a dog in control, in order to be allowed off leash to walk in the Town of Rye Forest.

Motion failed due to lack of a second.

Selectman Winslow stated that he would like to hear from Mrs. King, as this is conservation property.

Mrs. King stated that she thinks the enforceable part of it is difficult. She thinks Member Garvan was making a good stab at it by trying to leash dogs in an area so it won't be a problem for property owners. She thinks that would be a good way to start a process and not go right to leashes and permits.

Chairman White asked if she would be supportive of leashes on a certain portion of the "Green Trail".

Mrs. King replied even moving the trail to help make the dog issues less on Mr. Tilton's property.

Member Garvan commented that Mr. Tilton is not having dog issues just on the Green Trail.

Mrs. King suggested that they could have a leash restriction from Parsons Field to where Mr. Tilton is having his issues. That would be reasonable. The town could start there and see if the problems are relieved.

Chairman White stated that it seems that the Conservation Commission would have the authority to do that now in the name of protecting wildlife.

Mrs. King explained that the commission was in the process of trying to do some of the things that the committee is now doing. It has been a process of trying to respect the abutters as much as possible. There will always be someone who is not going to comply.

Speaking to Chief Walsh, Chairman White asked if those regulations can be enforced if the Conservation Commission puts them in place.

Chief Walsh stated that he thinks it would have to be a town ordinance and it would be really hard to enforce. It is only a section. The interpretation of where that section is to people will be hard to determine. He can't imagine standing in the woods trying to decide if it is a leashed section or not. With the tag program, either the dog has a tag to be off a leash or is on a leash. That is an enforcement difficulty also but it is doable and workable.

Speaking to Mr. Tilton, Member Shepcaro asked if having a leash requirement around his property boundary would solve his problems.

Mr. Tilton confirmed.

Member Shepcaro commented that word will spread that a leash is required in that area. At least trying that out might be a solution to Mr. Tilton's problem.

Member Joyce stated that the reality is it's going to continue. The Conservation Commission has done a lot through education and signage, which has had no effect. He thinks it is better to move to a leash law in the Town of Rye Forest and the person can get a tag from the town for a small fee with a list of rules about what it means to have a dog off-leash. The person has truly taken possession of something and they know the rules. If there is an infringement later, and the dog has a tag, the owner will get a ticket.

Referring to Member Shepcaro's comments, Member Kobylinski agreed it does address the abutters; however, he is going to go back to the people who should be able to walk the woods without having the fear of a dog running and jumping on them. Those people have just as much of a right to those trails as people with dogs.

Selectman Winslow stated that he is inclined to agree with Member Joyce. For the purposes of funding, it may be \$20 for residents and \$50 for non-residents, and the town could start to collect funds for the enforcement portion. It also allows residents to have their dogs off leash. It is really defining “dog at large” and this is what people have to abide by to have a dog off leash.

Member Garvan commented that he agrees with Selectman Winslow.

Member Joyce noted that people still get to walk their dog off leash. They pay a \$20 fee and get a list of rules to walk their dog. It is going to clear up most of the issues. The fee will fund the generation of the rules, tags and enforcement. Once someone has received their tag and rules they have taken possession of something. This will give people more protection from the dogs that are not in control.

Member Shepcaro stated that going straight to tags is taking a giant step. She thinks they should start with things in between, such as leashes only in a certain area.

Chairman White stated that the committee has discussed this quite a bit. He asked how the members would like to proceed at this point. He asked if the committee would like to end the meeting with the first order of business at the next meeting being a motion for a leash law in the town forest with tags or leashes only for a portion of the trails, to be described.

Selectman Winslow suggested that the committee wait until a map is available. He is not sure where the trail starts and ends. Also, he has questions as to what percentage of trails would be restricted and if this will be enforceable. He thinks there is a certain percentage of people who will see a sign that the dog has to be on a leash and will put their dog on a leash. By doing that, there will be some compliance but he is not sure it will be enforceable compliance.

Member Garvan and Member Joyce agreed to work with Mr. Tilton to better define the problem areas in the forest and to have the information available for the next meeting.

VI. Public Input

Ms. Gray stated that she agrees with Member Kobylinski, Member Joyce and Chief Walsh. She does not mind a leash law, as long as there is an outlet to allow a dog to be off leash. She thinks the fee could be more. In regards to the trail maps, she could probably map them and get an actual percentage.

Chairman White agreed that this would be helpful.

Mr. Epply stated that education is the most important thing before putting a leash law restriction in the town forest or for a section of the forest. If people have to pay a fee to sign a list of rules and regulations that is going to get their attention. That is going to make them aware that they have to abide by the rules, otherwise, they will lose their rights.

Mr. Crawford stated there is a virtue to simplicity. Having special days and special sections of trails is just going to confuse everyone. Does a dog have a leash? If not, does it have a tag? If not, it's a ticket. It is as simple as that.

There was some discussion on members being prepared with their motions who would like to present one at the next meeting.

VII. Set Date for Next Meeting

- **Scheduled for Thursday, July 5th, 6:00 p.m.**

VIII. Other Business

- **None**

Adjournment

Chairman White adjourned the meeting at 8:15 p.m.

Respectfully Submitted,
Dyana F. Ledger