

RYE DOGS AT LARGE COMMITTEE MEETING

Wednesday, August 15, 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 – July 19, 2018

The following correction was noted:

- Page 7, 3rd paragraph from bottom should read: **Ms. Caminati commented that it sounds great and she has absolute respect on what the committee has been working on; however, she is not at all optimistic.**

Motion by Phil Winslow to approve the minutes of July 19, 2018 as amended. Seconded by Kevin Kobylinski. All in favor.

III. Any Further Recommendations for the Town Forest

Member Garvan stated that the Conservation Commission met and voted to install a temporary leash law from September 1, 2018 to April 1, 2019. After town meeting, there may be further direction. He followed the guidelines of Member Joyce with a couple of modifications. (He submitted copies of a map showing the Town Forest and the areas marked for the temporary leash law.) He noted there were no changes by the commission to Section A. Section B will be started earlier because the trail (at the cemetery) gets quite close to Mr. Tilton's property before the woods road in the corner. It ended at junction of the Lebosque property and the Connell Easement. The commission felt this would address the majority of the complaints.

Member Joyce submitted a copy of a map showing his proposal for the temporary leash law for the committee to compare. He stated that on Section B, the commission has it ending where it hits Connell. If it would end a little further over, it would stop the dogs from coming on to his property.

Member Garvan stated that the commission looked at the complaints they had received. There were four in two years. He pointed out that the trail is being moved away from the Lebosque property, as part of the Forest Management Plan.

Member Joyce pointed out the area on the map (700ft from his house) where the dogs are entering his property. He commented that there is an issue with hunting coyotes. He does not understand why the leash law can't be extended over, as it is not that much further.

Member Shepcaro suggested that the committee take a site walk.

Chairman White noted that the Conservation Commission has voted to put this into effect. If it goes into effect the way that the commission has proposed, would the commission consider extending the area out if Mr. Joyce proves that he is still having an issue?

Member Garvan replied that the commission wants to address the problem. They just looked at the volume of complaints and where the biggest issues have been. He continued that Member Joyce's map shows a spur trail coming from Lebosque property. That trail will be closed and a new trail will circle the Lebosque property. The commission feels that moving the trail away will have an effect. He commented that a lot of people will perhaps not walk on the Green Trail because of the restriction.

Chairman White asked if there will be signage.

Member Garvan confirmed. He noted that the signs will be pretty simple. It may say "leash required zone to protect private property and wildlife".

Chairman White asked if the Conservation Commission would be willing to hold a site walk with Mr. Joyce. He continued that by the commission taking this action, it eliminates action by this committee. He is not sure that the Selectmen would be willing to institute something that goes beyond this.

Member Joyce asked why it is unreasonable to move the restriction over a few hundred yards to the right. He pointed out that the trail is right on the edge of his property. (He pointed out the area in question on the map for the committee.) He reiterated that he baits coyotes in this area and it is legal.

Member Shepcaro stated that the town paid for that easement for people to walk across. Varrell Woods is also for walking and recreation. The Conservation Commission feels that going to the edge of the Lebosque property should be enough. The commission was given 19 or 20 pictures of the Tilton property and there are two dogs in the photos.

Member Joyce asked if she is saying that the commission feels it is okay that dogs are going onto his property. The easement does not give the Conservation Commission the right to allow dogs to continue onto private property. It gives an easement for people to walk and use that property.

The easement doesn't allow unleashed dogs. It doesn't give someone the right to cross or allow an unleashed dog onto private property. It's a safety issue. He does not feel he has to change the use of his property based on dogs coming on it. Last year, Fish and Game came to the property because the dogs were running deer through the property in this area. It happens more often than people think and he is tired of it. He commented that it does not hurt anybody to move it a little further and it would help his property.

Member Kobylinski pointed out it is about another 1000ft.

Chairman White asked if anyone has a motion with regards to this issue. He asked if the issue should become an issue between Mr. Joyce and the Conservation Commission. If the Conservation Commission is willing to entertain moving the signs, if Mr. Joyce is still having problems with the dogs, this should solve the problem.

Member Garvan stated that he cannot speak for the whole commission but he imagines they would reconsider.

Chairman White opened to **Sally King, Conservation Commission Chair**, for comment.

Mrs. King stated that the commission is trying to support the 'Dogs at Large Committee'. The commission looked at this very seriously. A number of the conservation members are very familiar with the Town Forest. She continued that the commission meant this to be a compromise, as areas that were not proposed were added because the commission saw potential problems. Until there is an issue that is substantiated, she thinks this was very reasonable.

Speaking to Mrs. King, he asked if the commission would reconsider the relocation of the signs if there are proven issues on Mr. Joyce's property.

Mrs. King replied that they would certainly look at it.

Chairman White asked if there is a motion for this area of the Town Forest. (No motions were heard.) He stated that the Conservation Commission has gone a long ways in trying to solve this problem. Time will show if it needs to be extended or not. The commission has expressed their willingness to revisit the issue if problems continue.

Selectman Winslow asked about the expectations for enforcement. The town can't expect the Police Department to be running out there every day and using up their manpower. He would like to hear from Chief Walsh what the intentions are.

Police Chief Kevin Walsh stated that to control this is time consuming and it doesn't fit the budget footprint that is currently in place. If calls are received, the department will respond; however, it is time consuming and the likelihood that the people will be caught during the violation is not good. In looking at the beaches, the animal control officers have alternate hours and are averaging about 20 to 25 tickets per month for the dogs. That is in the middle of the day.

The Town Forest is another area and another job function the department is going to have to target. When a call is received, an officer is going to have to get pulled from another task to deal with it. He pointed out that this is going to be difficult to enforce.

Chairman White asked if having an officer in the forest occasionally would spread the word that there is enforcement.

Chief Walsh stated that this will have to be done but the budget footprint does not match. He will have to do some thinking on how to work this. He continued there will need to be a presence there because of the ones who will not follow the rules. In the fall when hunting begins, there is a lot of wildlife movement in this area.

Member Shepcaro asked if they can reintroduce the handouts with the rules.

Chief Walsh confirmed. He continued that the plan would be to institute a site walk with the Conservation Commission so the department staff could see the area. Having an appropriate flyer and asking people to hand them out will also help with awareness, education and voluntary compliance. There will be the ones who will not follow the rules and the officers will have to address those calls at that time.

Member Kobylinski asked the fine amount for dogs being off leash in the Town Forest.

Chief Walsh replied that it is \$30 for the dog off leash. He noted that the Selectmen are going to be looking at all town ordinance fines in the near future to see if the charges are appropriate. He suggests that the fines are just high enough that people will pay it but will feel the bite and won't want to do it again.

Member Shepcaro noted that other strategies for education are the Town Newsletter, Rye Magazine and Portsmouth Herald. It can be put out there that there will be certain trails that will be leash only and tickets will be given. There are a lot of ways to get the information out and use the enforcement when it is critical, not just to people who didn't know.

Speaking to Mrs. King, Member Joyce asked the Conservation Commission, once again, to move the trail over 1000ft. (He pointed the area out on the map.)

Chairman White asked Mrs. King if she would consider doing a site walk with Mr. Joyce.

Mrs. King replied that she would be happy to.

Chairman White stated that he thinks this issue becomes an issue between the Conservation Commission and a landowner. The commission has taken action and maybe it can be adjusted.

No other comments were heard in regards to the Town Forest.

IV. Any Recommendations Concerning the Education Video

Chief Walsh stated that a staff member has worked on the video and it is in a PowerPoint format. In looking at what Boulder has done, there is no sense in recreating the wheel, as they have done an excellent job. The video can be crafted to fit Rye's needs and what they would like to accomplish.

Selectman Winslow commented that once the video is finalized it should be put on the town's website.

Chief Walsh stated that the goal would be to have the video in a draft form for the committee to review. Once changes are made, it can be posted to the town website and other social media to reach as many people as possible. He noted that he can have the video (and PowerPoint) ready for the committee within a week. He will send it to Chairman White to distribute to the committee members.

The committee agreed to take the next step on the video and be involved with the final production.

V. Other Business

Motion by Susan Shepcaro to recommend to the Selectmen the following ideas, (to be used by the Selectmen), for educating people about the changes;

- (1) Signs in the woods;**
- (2) Handout flyers that would be created with input from the Police Department;**
- (3) Pamphlet that could be printed off the website;**
- (4) General information posted on the town's website;**
- (5) Postings in the Town Newsletter, Rye Magazine and the Portsmouth Herald;**
- (6) Posting through the Rye Civic League; and**
- (7) Any other ideas the Selectmen may have for education.**

Seconded by Selectman Winslow.

**This motion died for lack of a vote.*

Selectman Winslow stated the information and the process is important. He does not believe the Selectmen can go forward with this whole program without getting a vote on a warrant article at the upcoming election. He asked Chief Walsh's thoughts on the sight and control part and the second part being the Town Forest.

Chief Walsh stated that he thinks this needs to go to the voters. It will need to go to the Selectmen as soon as possible so it can go on a warrant article to the voters in March. That will also allow for time to come up with a plan to enact the education and awareness piece.

Selectman Winslow asked if the Conservation Commission would be willing to help with handouts and signage.

Member Shepcaro stated if it becomes a law the commission will participate.

Chairman White pointed out that the Selectmen could ask the commission to help.

Member Shepcaro noted that the commission has participated in other things that have changed. She doesn't see why they would not help.

Selectman Winslow stated that he is sure they will be asking the Beach Committee to support the process in the same way also.

- **Draft Report**

Selectman Winslow gave suggestions on edits and changes to the draft report that will be submitted to the Selectmen to help with clarification.

The committee reviewed and discussed the draft.

Chairman White requested that any changes from the committee be sent to him for revision. The committee can review the draft at the next meeting.

VI. Public Input

Alex Herlihy, Lang Road, stated that education is most effective when the community is involved in the work. In most cases, it seems that the issue is that the person is not paying attention to their dog. They are so busy talking to each other on the beach and their dog is knocking people over. He noted that if they can all come together and agree on key talking points that would be great. Short brief messages would be better when people are talking about this.

Mark Epply, Brackett Road, stated that nothing has been done to solve this problem in the past. However, a lot has been done with this committee to solve this problem. The committee has put together some good ideas. He continued that he reviewed the Boulder video and thought it was great. He is sure they paid a good deal of money to produce the video. He would be curious to see if they would let Rye use it.

Chief Walsh explained that once he receives confirmation from Boulder that they are okay with Rye using the video he will use that information. However, if that can't be done, he will find a professional to make a video for the town and guide them in the right direction.

Mr. Epply asked how a temporary leash law, from September 1st to April 1st, can be put into effect without a warrant article.

Chief Walsh explained that the Selectmen can do a temporary ordinance with a public hearing. With this issue, he thinks they should present this to the Selectmen and if they support it, move it to the ballot for town's people to vote. Hopefully, there will be some positive dialogue to get it to go through.

Speaking to Mrs. King, Chairman White asked if the Conservation Commission's vote was to recommend the temporary leash law, from September 1st to April 1st, to the Selectmen.

Mrs. King stated that the Conservation Commission is trying to support the conclusions of the 'Dogs at Large Committee'.

Chairman White commented that the committee should probably make a recommendation in this regard; to take this emergency action for this winter.

Selectman Winslow stated that he thinks the Selectmen may be willing to do this without going to a warrant article but it has to be brought to the full board.

Chief Walsh stated that a Selectmen's Ordinance can be put in place and it would be good until the next vote. At that time, a warrant article needs to be done to keep it permanent.

Member Garvan stated that he supports asking the Selectmen as a temporary emergency method.

Member Shepcaro stated that if they are going to try this method to stop some of the issues, the only way it can be done is by getting the Selectmen's temporary order.

Member Joyce stated that he is confused. He asked if the Conservation Commission does not have the right to put in a temporary leash law in the Rye Town Forest. A lot of things that are done by the commission in the forest do not have warrant articles.

Mrs. King stated that Attorney Michael Donovan has weighed in on this. His opinion was that the Town Forest is under the town's control because the title goes to the town. The other pieces that have been added additionally are under the Rye Conservation Commission's purview.

Selectman Winslow explained that "management" of the Town Forest is under the Conservation Commission. The "control" of the Town Forest is with the Selectmen.

Kim Gardner, Central Road, asked how close to town property can hunting take place.

Member Joyce replied right up to the border.

There was some discussion on residents helping to educate people on the changes.

Lisa Jacobus, Pine Street, stated that the ideas that the committee has come up with are great. She asked how far away from the trails people have to be in order to hunt.

Chairman White explained that property owners can hunt on their private properties. There is a trail that runs right along private property and someone could hunt right on the edge. He commented that it is important for the people and the dogs in the forest to wear orange during hunting season.

Mrs. Jacobus noted that this may be another thing to include in the education piece.

Motion by Mike Garvan that the Rye Dogs at Large Committee recommend to the Selectmen to approve a temporary leash ordinance in the Rye Town Forest as described and voted on by the Rye Conservation Commission at its August 9th meeting and as per attached map. The Rye Conservation Commission will work with the Selectmen for on the ground location as needed. Seconded by Susan Shepcaro. All in favor. Motion passed by consensus.

- **Next Meeting scheduled for Wednesday, August 29th**

Adjournment

Hearing no objections, Chairman White adjourned the meeting at 7:22 p.m.

Respectfully Submitted,
Dyana F. Ledger