

FILED

EAST LYME BOARD OF SELECTMEN  
PUBLIC HEARING OF APRIL 19, 2017  
MINUTES

Apr 21 2017 AT 3:55 AM/PM  
Sally A7c  
EAST LYME TOWN CLERK

PRESENT: Mark Nickerson, Kevin Seery, Marc Salerno, Rose Ann Hardy, Paul Dagle and Dan Cunningham.

ALSO PRESENT: Attorney Tracy Collins, Town Attorney; and Dave Putnam, Director of Parks & Recreation.

Mr. Nickerson called the Public Hearing to consider a proposed amendment to the Ordinance entitled "Ordinance Concerning Areas Under Jurisdiction of Parks & Recreation Commission" to order at 7:15 p.m. and stated that the Pledge of Allegiance was done at the start of the Town Meeting at 7:00 p.m.

Mr. Nickerson stated that he caused to have published the Notice of Public Hearing in The Day on April 7, 2017, and then he invited Parks & Recreation Director, Dave Putnam, to provide background information on this matter.

Mr. Putnam explained that over the winter the boardwalk remained very busy and utilized; and there were quite a number of complaints concerning dogs on the boardwalk. He explained that although the no dogs rule has been in place for quite a while, it has been difficult to enforce without a fine in place. The amendment to the said ordinance will now allow our Police Officers to fine violators of this rule. Also added to this ordinance is the rule that no dogs shall be allowed on town owned beaches and McCook Park between Memorial Day and Labor. Both of these amendments do not apply to service dogs. Mr. Nickerson made clear that these rules are made by the Park & Recreation Commission, and this ordinance gives the EL Police Department the authority to enforce these rules. In addition, the Department of Public Health's regulations require municipalities and other entities (except the state) operating or maintaining a public swimming area to prohibit domestic animals from being in the water or on the immediate shoreline when the swimming area is open for use (Conn. Agencies Regs. 19a-36-B61, effective March 17, 2014). Mr. Putnam stated that at Peretz Park and Darrow Pond, there are beautiful walking trails and dogs are allowed all year round; and at Peretz Park, there are doggie bag stations throughout the trails.

Ms. Donna Palumbo, 133 Black Point Road, Chairwoman of the newly formed Dog Park Committee, reported that her and the Co-Chairman, Paul Kramm, are in favor of this ordinance and would like the opportunity to speak with anyone who opposes the ordinance so that she can introduce them what this committee has been working on. She reported that there are approximately 20-30 people active in this group already. Anyone interested in contacting Ms. Palumbo may call the First Selectman's office for contact information. Mr. Nickerson reiterated that this is a grass roots effort and not a Town committee; and he stated that this committee is comprised of very passionate dog owners who look forward to a pleasant, safe place to bring their dogs. Primary funding for this project will be through fundraising efforts.

Ms. Dottie Verkade, 3 Amberly Lane, stated that she is in favor of this amended ordinance, and suggested clearer signage around town outlining the rules of this ordinance; the way it is posted

now is very confusing. Mr. Putnam stated that new signage was discussed at the last Park & Recreation Commission meeting, and that will be happening soon.

Ms. Kimberly Rider, 73 Riverview Road, stated that she is not in favor of imposing fines on citizens; she feels it is an undue burden on people that have limited income to begin with. She feels as though a fine is unnecessary as dog owners understand the liability they carry when they take their dogs out into the public. She stated that she feels our rules are far more restrictive than surrounding beaches, and she does not like the anti-dog sentiment that this ordinance portrays to her.

Mr. Alan Alfano, 3 Amberly Lane, stated that he is in favor of the amended ordinance and in favor of the fine. He stated that he is more concerned with the health and safety issues associated with dogs defecating on the boardwalk than being bitten.

Mr. Charlie Fenick, 78 Riverview Road, stated that he is a member of the Park & Recreation Commission and that he is in favor of the amended ordinance and the fines associated. He stated that no one likes to pay fines, but it is necessary to enforce the rules. There are a lot of public trails in Town that allow dogs and are a nice alternative to the boardwalk.

Ms. Judy Lanza, 23 Spinnaker Drive, stated that she loves dogs, but not on the boardwalk. She walks quite a bit and there are a lot of people walking on the boardwalk with canes, walkers, baby carriages, etc., and that these people should have a safe place to walk and get fresh air. She stated that it's really the only place in town that restricts animals, and it is only a one mile stretch. Ms. Lanza stated that there are so many more miles of places that you can walk your dog in East Lyme.

Attorney Tracy Collins explained that legally, according to the Americans with Disability Act (ADA), you can only ask two questions; is the animal required because of a disability, and what work or task the animal has been trained to perform. Connecticut has an additional licensing process for the blind, deaf or mobility challenged persons, which is Sec. 22-345 and is attached hereto as Exhibit 1.

Mr. Seery stated that also important to consider is that if a child, or anyone for that matter, gets bit by a dog on the boardwalk, this will expose the Town to possible lawsuits. Attorney Collins answer affirmative, that the Town is at risk if someone were to get bit by a dog on the boardwalk.

Ms. Hardy inquired as to what if a person has an animal besides a dog that they consider a service pet. Attorney Collins responded that beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA. Mr. Putnam stated that the Department of Public Health's regulations require municipalities and other entities (except the state) operating or maintaining a public swimming area to prohibit domestic animals from being in the water or on the immediate shoreline when the swimming area is open for use (Conn. Agencies Regs. 19a-36-B61, effective March 17, 2014).

Ms. Sheri DiGiovanna, One Old Oak Lane, stated that she agrees with the fines and also agrees that the signage needs to be clearer; however she feels that dogs should not be allowed on the beach or boardwalk any time of year.

Mr. Alan Alfano, 3 Amberly Lane, reiterated his earlier statement that the boardwalk is a pedestrian zone, and he agrees that new signage is needed.

MOTION (1)

Mr. Seery moved to adjourn the April 19<sup>th</sup> Public Hearing at 7:49 p.m.

Seconded by Mr. Salerno. Motion Passed 6-0

Respectfully submitted by:



Sandra Anderson, Recording Secretary

EXHIBIT 1

**Sec. 22-345. License and tag for guide dogs for blind, deaf or mobility impaired persons.** Any blind, deaf or mobility impaired person who is the owner or keeper of a dog which has been trained and educated to guide and assist such person in traveling upon the public streets or highways or otherwise shall receive a license and tag for such dog from the town clerk of the town where such dog is owned or kept. Such license and tag shall be issued in accordance with the provisions of section 22-340, and no fee shall be required of the owner or keeper of any such dog. When any such dog has not been previously licensed by the town clerk to whom application is being made, such town clerk shall not license such dog or issue to the owner a license and tag unless written evidence is exhibited to such clerk that the dog is trained and educated and intended in fact to perform such guide service for such applicant. Any person who has a dog placed with such person temporarily, including for breeding purposes, by a nonprofit organization established for the purpose of training or educating guide dogs to so assist blind, deaf or mobility impaired persons shall receive a license and tag for such dog from the town clerk of the town where such dog is kept. Such license and tag shall be issued in accordance with the provisions of section 22-340, and no fee shall be required for such license and tag, provided such person presents written evidence that such dog was placed with such person by such organization. As used in this section and section 46a-44, "deaf person" means a person who cannot readily understand spoken language through hearing alone and who may also have a speech defect which renders such person's speech unintelligible to most people with normal hearing.