

Public Health and Safety Committee Meeting Minutes

A special session of the Public Health and Safety Committee (PH&S) was held on Monday, August 30, 2010 in room 213 of Town Hall. The session was broadcast live on Channel 79 and was recorded for future telecast. The purpose of the meeting was to discuss a leash law ordinance.

Members present: Carolyn Schoonmaker, Chair; James Patrick, Vice Chair; Sue Maguire; Susan LeHan; Michael Burke; Dr. Robert C. George; Jennifer Sommer; Mary Guimond, Clerk

Members absent: Barry Baldwin; Shelley Carder; Donna Melz

Guests: Lt. Tom Krois, Darien Police Department; Lloyd Plehaty, member of RTM Town Government Structure and Administration Committee (TGS&A); and the following members of RTM Parks and Recreation Committee: Cheryl Russell, Chair; Gary Swenson; and Adele Conniff

Chair Schoonmaker called the meeting to order at 7:32 pm. She indicated that our discussion was related specifically to the ordinance in question which does not include the regulations of the Parks and Recreation Commission. Much discussion ensued as to whether an ordinance covers parks and beaches, with the final authority resting with Town Counsel. A letter from Mr. Fox indicated to some that an ordinance does not cover parks and beaches; a position supported by Mr. Plehaty's explanation that a quirk in the Town Charter allows for this conundrum. Dr. George suggested that a change in the Town Charter be made to resolve this problem. Both Chair Schoonmaker and Mr. Plehaty urged PH&S members to focus on the leash ordinance at this time.

Lt. Krois stated that the Darien Police Department supports a leash ordinance. The Police Department believes that such an ordinance represents a deterrent to dog bites of people (as opposed to dog on dog bites). Statistics gathered in New Canaan indicate a reduction in dog bites since their enactment of a leash ordinance (to wit, 6 bites in the year prior to enactment; 0 bites in the two years since enactment). Darien's records indicate over 25 dog bites of people incidents in the past 5 years, predominantly affecting children under the age of 10. A State Statute exists that requires a dog to be under the control of the owner at all times. This is viewed by the Police Department as being enforced only in reaction to an offense while an ordinance allows for prevention of an offense. An ordinance allows for appropriate tracking of infractions, important for repeat offenders; however, Lt. Krois advised that officers will use their discretion in citing violators just as they do now in support of other town ordinances.

Ms. Guimond questioned why the Parks and Recreation Commission has regulations at both Selleck's Woods and Woodland Park requiring dogs to be on leash at all times and prohibiting dogs on beaches at all times and yet has no regulations governing dogs at

Cherry Lawn. Ms. Russell felt that question should be directed to the Commission but did indicate that the Parks and Recreation Commission has included town funds in the budget for a dog run for a number of years, with such funds always having been cut. Ms. LeHan surmised that if an ordinance is passed, Cherry Lawn would become a defacto dog run since dogs would be required to be on leash everywhere else in town. Ms. Maguire asked about any increased liability if a town ordinance is passed but dogs are still permitted off leash at Cherry Lawn. Mr. Burke suggested it was possible to balance the desires of town residents who have regularly exercised their dogs off leash at Cherry Lawn for decades with the concerns of many members of the community about public safety.

With regard to ordinance language, Chair Schoonmaker asked for input. Lt. Krois had some suggestions from the Police Department, which had previously been shared with TGS&A, including language related to cleaning up after dogs, leash length and exceptions for service dogs as well as enforcement and penalties. In conjunction with TGS&A, PH&S will examine leash ordinances in surrounding towns and learning from the experiences of such towns.

Chair Schoonmaker adjourned the meeting at 8:30 pm indicating that discussions will continue with regard to the leash ordinance.

Respectfully submitted on September 1, 2010:

Mary Guimond, Clerk