

February 3, 2016

The STEP Ad Hoc committee held a special meeting on this date at the Stonington High School at 6:00 p.m. Present was First Selectman Rob Simmons, Don Maranell, Sandy Grimes, Darren Stewart, Michael Crowley, Robin Hennessey, Don Kluberanz, Lynn Young, Angela Gora, Dorothea Abele, David Rathbun, Gloria Gorby, Borough Warden Jeff Callahan and alternate member Robert Maurice. Howard Park was absent. Also present were members of the public and Town and Borough officials.

(1) Call to Order

Mr. Simmons called the meeting to order at 6:00 p.m. Roll call

(2) Pledge of Allegiance

(3) Approval of the Minutes

Mr. Maranell made a motion to approve the minutes of the January meeting as presented. Mr. Grimes seconded and all were in favor.

(4) Comments from the Public

Mr. Simmons recognized Attorneys Bonnano and Branse. He thanked Mr. Branse for his comments, questions and thoughts submitted in his letter. He explained that this is an informational meeting. Mr. Simmons also welcomed Town Attorney Jeff Londregan, Director of Planning Jason Vincent, Borough of Stonington attorney Nick Kepple and Borough Planner David Atkins. He stated that the next course of action following this meeting would be to attend the dog parks within the State.

(5) Presentations

Attorney Londregan spoke on the background of STEP (Sewer Treatment Expansion Parcel). This property is owned by the Town and held as vacant. The property is zoned RL or *Reserved land* designation. He stated that his firm has dated information with the property dating back to 2011. At that time neighbors of the property admitted to using the property for their dogs but were upset when others used the property for their dogs, off leash. Back then neighbors of the property did contact the Town with an attorney, discussions ensued but it was put on the 'backburner'. However, due to the pending lawsuit he won't discuss or forecast potential liability. He stated that the CIRMA attorney also invited to this meeting declined to attend. Three classes of lawsuits with a dog park are dog bites, which is the strict liability of the owner, nuisance and negligence. Two of the counts brought by Attorney Bonnano against the Town in both nuisance and negligence. The general rule is that Towns have governmental immunity for negligence actions. This can be overcome. He explained cases of negligence and the faceless deep pocket that the Town would be named in a suit.

RECEIVED FOR RECORD
STONINGTON, CT

16 FEB -9 AM 10:29

CYNTHIA LADWIG
TOWN CLERK

Attorney Kepple provided a zoning map of the area, stating RL zone for the members. He read the permitted uses in a RL zone which the Borough adopted to recognize activities there, he has attended meetings but property is owned by the Town which limits the Boroughs dictates. Appears as though plant was built 1975, zoning occurred in 1976. Activity on since then would be grandfathered. Town Director of Planning Jason Vincent spoke on four specific points; the considered definition, users and rules of Parks, Dog parks- just a park with a different set of rules, the pet industry , statistically there are more dogs in households than kids and land use considerations giving flexibility for the public good. Zoning is a plan, public events have been held on this property. People in this community have dogs and want to bring them somewhere to socialize. This activity existed prior to zoning. Preexisting versus nonconforming. He feels the property is conforming based on the RL zoning which predates the issues now being addressed.

Borough Director of Planning David Atkinson agreed with all previous speakers, with nothing to add at this time. He read the Borough definition of a Park.

Attorney Kepple shared the Town of Waterford regulations on their dog park.

(6) Discussion and Questions

Mr. Simmons stated that he is concerned about potential risks and liability , people tend to sue. He asked Attorney Londregan if the committee should act more quickly at the property to protect the Town. Mr. Londregan stated that he with the plaintiff's attorney present. The Town is subject to claims; governmental immunity defense rests with the Town committee using their discretion.

Mr. Maranell stated that everything the Town does is a liability, parades, football games, etc. Would signage help? Mr. Londregan stated that this is a shift in liability, is this enough, each reasonable person might think differently.

Mr. Rathbun asked when the fence was installed and can it be limited to Stonington licensed dogs. Special tags and enforcement factors were discussed. Lynn Young spoke to the history of the fence, etc. There have always been proprietary issues with the parcel. People have brought dogs there since at least the mid 90's. She agrees with Mr. Maranell on his comments about liability and added that the WPCA has been asked to clean out dog-waste bins and will not. Jeff Callahan provided more information on when and how the property was bought and asked how rules would be enforced.

Dorothea Abele reiterated what she thinks are potential liability situations. She added that she wanted to clarify that she is not suing but she is a neighbor of the property adding that it has hampered their quality of life. She stated that the gate just appeared one day in 2010 or 2011 that is when the property actually became a 'dog park' and problems started, it hadn't been an issue prior to that. She addressed the comments from Attorney Londregan as she was involved with the attorney that addressed the town but they did not go ahead with a suit at that time.

Don Kluberanz asked about signage and if it would help. He also asked who owns the water of Stonington Harbor. Attorney Londregan replied every resident in the State of Connecticut below the mean high tide line .

Darren Stewart stated that the Police Department obviously wants this resolved. There being no rules, they have to rely on state statute. He stated that Plainfield, IN uses a dog tag for their dog park. He added that many years ago people camped on the property with fires. Enforcement is a concern and a reasonable balance needs to be reached with regard to rules. The Borough has a leash law but this property is a Town property.

Sandy Grimes questioned the liability, he also gave the Waterfront Commission history on the property, which he says was sold on a handshake.

Michael Crowley stated he personally has always had neighbors with barking dogs. He added that the park behind the school has nonresidents that use it so he doesn't believe that should be an issue. He questioned what really constitutes a dog park, does just taking a dog somewhere make it a dog park? He understands the issues with noise but that's part of living there. Also, what does the Borough have to do with this issue. Solely zoning was the reply.

Mr. Simmons commented that some of the questions that came up may not have been answered due to historical information/records and will need further consideration. He stated that he would aggregate these questions and parcel them out to parties that may be able to provide answers. He addressed a question from Mr. Crowley, What is a dog park?. He stated that he visited *Central Bark* in Groton. There are double gates, rules and signage.

Members then discussed the various dog parks in the State and Rhode Island and share what they've learned at the next meeting. Mr. Grimes and Mr. Crowley will visit the dog park in Westerly; Ms. Young and Mr. Rathbun will visit Waterford; Mr. Maranell and Mr. Kluberanz will visit Norwich and Mr. Simmons and Mr. Grimes will visit Groton.

Mr. Simmons stated at the next meeting in two weeks he would like to invite Glenna Doyle, dog trainer to glean information on the set up of the Groton dog park and Carey Sullivan.

(7) Comments from the Public

Attorney Bonnano asked for clarification that February 17th is not going to be a Public Hearing. Mr. Simmons stated that he would prefer to use that date for the benefit of information obtained by the members. He would suggest March 2nd as the date for a Public Hearing. He also suggested that Carey Sullivan of Waterford attend the next meeting and that the committee members also get information on the dog parks proximity to residences.

Mr. Callahan American Kennel Club website may have rules and regulations on dog parks. Attorney Branse asked about the alternative sites. Mr. Simmons felt this would be addressed at the next meeting.

Ms. Abele asked when she would have the opportunity to give her side, she's heard a lot of statements that she doesn't agree with.

Mr. Simmons stated that the Public Hearing would be the opportunity for this. He added that it doesn't matter how many are for and how many against, it's a Public Hearing.

(8) Adjourn

There being no further business to come before this Committee, the meeting was adjourned at 7:20 p.m.

Louise Packer