Town of Keene

Public Hearing

Local Law on Comprehensive Dog Control

 February 18th 2025

 5:30 P.M. Town Hall

**Board Members Present**: Joseph P Wilson Supervisor, Teresa Cheetham-Palen, Robert Biesemeyer, Ann Hough Council Members

**Absent:** Christopher Daly

**Town Officials Present:** Anna Whitney Town Clerk

**Town Counsel Present:**

**Members of the Public**: Martha Allen, Stephen Hall, Yvette Tillmen, Noreen McCarthy, Cindy Caner, Dan Plumley, Jeanie Cross, Tad Zelski, Martha Zelski

**Call the Public Hearing to Order** at 5:32 by Joseph P Wilson

**Pledge of Allegiance**

**NOTICE OF PUBLIC HEARING:**

Notice of Public Hearing was published in the Sun Community Newspaper, posted on the **Town of Keene website**, and posted on our signage boards at the Town Hall. This public hearing is to hear comments on the draft, Local Law on Comprehensive Dog Control, from the public.

Mr. Wilson turned things to Ms. Whitney prior to opening things up to the public.

Ms. Whitney presented Ms. McCarthy with her FOIL request, she then explained when gathering the documents she found great information that she had then made available for the board and the public, this was the DCO’s log.

Ms. Whitney then asked Ms. McCarthy about a comment made on Nextdoor where Ms. McCarthy stated the Town Clerk told her the Supervisor and the DCO were deliberately holding information back to prevent the Clerk from getting the FOIL out. Ms. McCarthy did not answer Ms. Whitney, Ms. Whitney stated to the public that is because she never said that.

Mr. Wilson stated the logbook form the DCO, this is why we are pursuing this. This is the actually notes from the DCO from June 2022.

Mr. Biesemeyer asked how many complaints were from the same person.

Mr. Wilson stated you can look and probably tell but he had not counted that up.

**Public Comment**:

Mr. Biesemeyer asked Ms. Tillman to speak on what she did during the time she was DCO with the current law.

Ms. Tillman stated she kept things neighborly. When there was a complaint, she would interview and take statements to the judge, then the court decided what the next step was. It had to be doing something that annoyed someone.

Ms. Cheetham-Palen stated the fines are the same from the current law to the draft.

Mr. Wilson stated the penalties are the same from the 1998 Law to this draft.

Mr. Biesemeyer stated the difference is this draft states if someone sees a dog that is in violation they can call the DCO.

Ms. Cheetham-Palen asked to speak to what Bob said, the piece he spoke to, is in the 1998 Law

Mr. Biesemeyer stated he does support the leash law but he is trying to define the areas for dogs off leash. He supports having dogs on leash and off leash in designated areas. He states he wants these locations defined.

Mr. Zelski wanted to know what prompted so much more restriction.

Mr. Wilson stated the Leash Law is part of the big picture. Part of how we manage the increase of people to the area. Managing all the traffic we get in Keene and Leash Law is part of it.

Mr. Zelski stated, it is clear it’s the responsibility of the dog owner.

Mr. Wilson stated the way he looks at, on leash to at large, leash gives more secure way to ensure safety.

Ms. Cross wanted to thank for putting this forward. She also stated she feels locating places where dogs can be off leash is important. Ms. Cross then explained how she had two incidences of having her dogs attacked. A leash would have prevented these. Also leash requirement would protect other people as well. She then stated she does not feel it is a hardship and not inhumane to have to use a leash. She stated this is a good balance.

Ms. McCarthy stated she is very concerned of this law and the legality of it. The way this is written, the Town Justice shall, meaning she has to serve a summons on that person. The court can send this person to jail for up to 15 days. Ms. McCarthy stated she thinks this is in violation of the constitution. Ms. McCarthy stated she thinks if you do it with civil penalties, she does not think it would be a problem. She then stated she would be the first to challenge this if it passes. She doesn’t think, we as a board, are authorized to designate a civilian person to carry out this law and carry out criminal penalties, she thinks you can do civil penalties. Ms. McCarthy then stated she is very concerned of this and looking at some of these thinks the current law covers this. Ms. McCarthy asked to look at this and do we really need this. She then stated this would not impact her because she has enough private land, many people do not and this concerns her. She asked the board to look at this.

Ms. Cross asked Ms. McCarthy where she is seeing the complaint issue where the citizen become the prosecutor in section 12.

Ms. McCarthy stated it is a state law.

Ms. Cross asked, how does this turn a private individual into a prosecutor when it says they may complain to the DCO who is a legal authority, who may investigate and then go to the Town Judge.

Ms. Caner asked how could your dog be in control if not on a leash.

Ms. McCarthy states under the NYS law if you were attacked or if you saw someone attacked you can file a complaint. Under this proposed law the judge can send you to jail.

Mr. Wilson stated the Judge has guidelines, the judge can’t jump to the maximum, they have to go with what the charge is.

Ms. Cheetham-Palen said the sentences for the current and new law are the same.

Mr. Hall stated his roll is Public Safety. He then wanted to state that today; he 1st saw two people take their dogs off leash and let them go, he didn’t call the DCO; 2nd he saw a person roll through the stop sign at the bottom of Spruce Hill, did he call the State Police, no; then he pulled into the parking lot here and sees Ann Hough has a big pile of snow on top of her car, that also is in violation but did he call and report it , no. He stated he is trying to say he feels this is being blown out of proportion, this town has never been known to take worst-case scenario and shove it down someone’s throat. Mr. Hall stated he thinks this law is to give the Town the teeth to do their job; he does not feel they are going to stick it to you from what he reads.

Ms. Weston asked if she understood the proposed law has only criminal penalties or civil. Then asked where you can have a dog off leash.

Mr. Biesemeyer stated we are working on that.

Mr. Wilson stated this law gives us the authority to do this.

Ms. Hough stated the short-term rentals near her, the owners of the rental insist your dog has to be on leash at all times and they have no issues. Ms. Hough stated we need to support our DCO in writing tickets, take the existing law, and support her.

Mr. Zelski stated it seems to be we have a law and we need to enforce it.

Mr. Hall stated his sons significate other asked how the law was coming along, she then said she likes to run and I can’t tell you the number of times she gets jumped on and barked at seriously, scarred the ---- out of her. Mr. Hall asked, are we saying dog owners have priority over public space.

Ms. Zelski asked if the DOC has not had support or backing from the Town.

Mr. Wilson stated, under control is a very gray area and this law would clear that up. Mr. Wilson then brought up he is hearing on one hand very panicked statements the DCO is going to be throwing people in jail and then he is hearing the DCO is not writing enough tickets. He stated it is hard to know what people are asking for.

Mr. Plumley introduced a letter, which is on file with the Town Clerk. He then wanted to thank Mr. Hall for supporting Public Safety. From there he read from his letter.

Ms. Hough stated, we need to educate the public better.

Ms. McCarthy asked to state a final comment, she asked to clarify something, there is no distinction between civil and criminal in this law.

Ms. Cross stated this reads the same as neighboring towns.

Please note at several occasions there were many people talking at once making it hard to take minutes.

Letters from residents, shared with the Town Board are on file with the Town Clerk.

Recording posted to the Town Website.

**Adjourn** Mr. Wilson adjourned at 6:54 P.M.

Town Clerk

Town of Keene

Ann Whitney