



Fairfield Beach Access

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15 November 2017

Mr. Brian Carey, Conservation Director
Sullivan Independence Hall, Second Floor
725 Old Post Road
Fairfield, CT 06824

RE: Open Spaces Regulations Review Committee

Dear Mr. Carey:

Would you be so kind as to make this letter available to the members of the Conservation Commission (henceforth: "CC").

Many residents and other users of Fairfield's public open space areas reacted with alarm to the tenor of discussion about Lake Mohegan at the 18 October meeting of the Commission, resulting in the quick formation of the Open Spaces Regulations Review Committee, and within the framework of a stinging remark:

"Listen... Listen... as soon as we put dogs on leashes and enforce it at Lake Mohegan, you're gonna see the number of people there just drop right off."

As the CC members know, it is our position that the rules in their current form are sufficient and clearly written to ensure safety, general order, and respect for others.

The subcommittee appears to be moving forward on one member's insistence on implementing a "leash only" policy at all 51 open space areas. Our group contends that this change is not warranted and inappropriate: **as the Commission has no information to gauge (or argue) that the current rules would not be effective if they were enforced.**

That is simply wrong, and reflects badly on the Commission's deliberative process.

As such, our group has a petition circulating, directed at the CC, the Town's Selectmen, the Board of Finance, and the RTM: requesting a recommendation for allocation of funds to test enforcement of the current rules at the Lake Mohegan open space area, for a reasonable "study period," prior to any change being undertaken by the Commission.

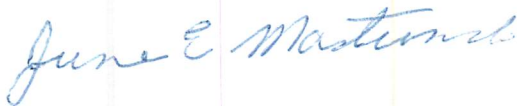
A copy of the text of that petition is attached to this letter. Per the ordinary budget process of the Town, such request should originate with the CC.

We also ask that the Commission members take awareness that its authority is fettered by RTM approval, both by the Charter itself and pursuant to §35-12 of the Fairfield Town Code. That section, "Definition of Public Open Space," was amended in 1999, to address concerns for "management and administrative responsibility for such property, and changing such use designation and management, as necessary, in the future." This was owing to growing unease following large public expenditures on newly acquired land at that time. Subsection D, captioned "Change in use" states:

If the use or administration of any town property, including open space, as defined in Subsection B is proposed to be changed, such change shall be conditioned upon the approval of the RTM. The RTM may request the recommendation of the board or commission administering the property before approving the change.

And in particular, we ask that Commission members note the term "use or administration" can/may represent two distinct tracks, and that these words hold specific meaning both in ordinary English usage and in law.

With best regards,



June E. Mastronardi
537 Villa Avenue



(also): Peter C. Hood
542 Villa Avenue

**PETITION REQUESTING REVIEW AND ALLOCATION OF FUNDS FOR MONITORING COMPLIANCE OF LEASH LAWS
IN FAIRFIELD'S "LAKE MOHEGAN" PUBLIC OPEN SPACE AREA**

To: Town of Fairfield, Board of Finance, Representative Town Meeting, Board of Selectmen, and First Selectman; Town of Fairfield, Police Department and Animal Control, Conservation Commission.

We, the undersigned, are members of the public who use and enjoy, or have other interests in, town-owned open space land in Fairfield.

On October 18, 2017, members of the Town of Fairfield, Conservation Commission voted to undertake debate for establishing a process to rescind off-leash privileges for families with dogs at ALL open space areas, citing complaints about non-compliance with current rules (Beaches, Definitions: §14-(a), (b)(i), (ii), (iv), (v)), specifically and only within the Lake Mohegan property.

Before that change is finalized, we ask that the Town pursue reasonable efforts to specifically establish that no alternative and less restricting policy would realize this same goal.

We believe that the rules in their current form are sufficient and clearly written to ensure safety, general order, and respect for others; however, no meaningful effort has been taken to ensure enforcement.

As such, we request that you forward a budget recommendation to the RTM seeking allocation of resources as an ordinary Town expenditure, for the purpose of monitoring and ensuring compliance with the current rules at the Lake Mohegan property for a reasonable study period. We ask that effort be taken to explore means to resolve technical issues so that this process could be self-funding, or revenue-generating, in order to cover these costs.

Signature	Name (printed)	Address & Town