

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 21, 2011

Present: Ald. Sangiolo (Chairman), Rice, Merrill, Blazar, Fischman, Linsky, Baker, Hess-Mahan

Also present: Ald. Harney, Johnson, Yates, Shapiro, Fuller

City Staff: Bob DeRubeis (Commissioner of Parks and Recreation), Carol Stapleton (Manager, Parks and Recreation), Bob Rooney (Chief Operating Officer), Dolores Hamilton (Director of Human Resources), Rebecca Smith (Committee Clerk)

Public Hearing assigned for September 21, 2011:

#220-11 DEBORAH FOGEL et al. filing with the City Clerk on July 26, 2011 a Group Petition with 52 qualified voter signatures, pursuant to Sec. 10-2 of the City Charter, requesting the Board of Aldermen hold a public hearing “to allow regulated but unsupervised swimming at Cronin’s Cove on Crystal Lake.”

NB: Board action shall be taken not later than three months from the date the petition was filed with the City Clerk [October 23, 2011].

ACTION

RESOLUTION APPROVED 8-0

NOTE: A significant number of residents attended the public hearing both in favor of, and in opposition to, the proposal to swim at your own risk at Cronin’s Cove of Crystal Lake. Three clear perspectives were presented at the hearing:

- 1) The first group consisted of those who abut the lake and are opposed to allowing swim at your own risk. These residents reported incidents of unsanitary and lewd behavior as well as public nudity at the beach and on their properties. In addition to this disruption of public order they suggest it poses a great safety issue; they are also concerned about further polluting the lake with the increase in activity in the area. In addition, some residents suggested that in order to allow swimming at Cronin’s Cove the City should construct another bathhouse, though they recognize that the City doesn’t have the resources to do so. It was also mentioned that the City has already spent a great deal of funds on the current swim area and, if there were to be expanded swimming, it should be in this area only. These residents also expressed concern about traffic and parking that swim-at-your-own-risk may create (residents speaking to these ideas included: Mary Constanza, 53 Lake Ave, Schuyler Larrabee, 10 Laurel street; Robert Muller, 15 Laurel Street; Groot Gregory, 296 Lake Ave; Sonya Kurzweil, 203 Lake Ave; Kenneth and Ann Arndt, 104 Lake Ave; Tobey Reed, 10 Laurel Street; David Putnam, 10 Laurel Road).
- 2) The second group consisted of residents who abut the lake, but mostly disagree with the accusations of their neighbors that such disorderly behavior is

abundant. Some of these residents also challenged the idea that humans are polluting the lake; it was suggested by one resident that our storm drains, and possibly sanitary sewers, are leaking into the lake. These residents support the concept of swim-at-your-own-risk (regulated but unsupervised swimming) and encourage the use of the lake by all. (residents speaking to these ideas included Deborah Fogel; 51 Lake Ave; Marc Fogel, 51 Lake Ave; Steve Gerzaff, 160 Lake Ave; Beth Wilkinson, 14 Trowbridge; Edie Propp, Hyde Street; Marian and Arthur Glasgow, 9 Laurel Street; David Striker, 65 Allerton Road; Patty Simon, 219 Lake Ave; Vic Polk, 41 Berwick Road)

- 3) The third group of residents consisted of those who do not abut the lake, who support swim-at-your-own-risk, and who disagree with the claims of the first group of residents. Many of these people live throughout the City and believe that the attempted quashing of the swim-at-your-own-risk proposal is in an effort to hoard the city resource for their own use. These residents deny the inappropriate behavior described and expressed a desire to be able to use the city resource responsibly and respectfully as they say they've been doing. (Residents who shared this point of view included: Cindy Carter, 36 Amherst Road; Paul Goldenberg 36 Amherst Road; David Carlstrom, 62 Cypress Street; Al Leisinger, 1002 Beacon Street; David Jacobs, 38 Kenwood Road; Peggi Robart, Allerton Road; Osnat Levi, 412 Parker Street; David Around, 30 Kirkstall Road; Larry Abend, 329 Central Street; Irvin Jungreis 31 Norwood Ave; Myra and Gerald Small, 64 Bontempo Road; Mimi Karys, 129 Hagen Road.

In addition to these thoughts, the majority of residents present expressed a desire for the Parks and Rec department to extend the season for the bathhouse and to extend the hours as well.

After seeing and hearing no other members of the public wishing to speak, Ald. Sangiolo closed the public hearing. This item was then discussed in a working session. Though the Board of Aldermen doesn't have any official power to create a swim-at-your-own-risk policy (only the Parks and Recreation Commission can decide this) they can offer a resolution to the Parks and Recreation Commission, which is what they unanimously voted in favor of doing. The resolution (draft attached to this report) proposed will request that the Parks and Recreation Commission revisit the possibility of allowing swim at your own risk.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

ACTION: **HELD 8-0**

NOTE: Ald. Johnson joined the committee to discuss the item; she is the proponent of the Human Resource's creation of a succession plan for the departments in the City- something that shows how we will develop talent to make sure that we have people in place to fill in roles should an employee leave their position.

Bob Rooney, Chief Operating Officer, and Dolores Hamilton, Director of Human Resources, joined the committee for this discussion. Mr. Rooney shared that the Executive Department has with spoken Ald. Johnson about such philosophies. He touched upon the idea of development and the factors included in obtaining such development: training and growth potential. He stated that though there isn't an exodus of people from the City, a succession plan is of concern especially in a time of cutbacks. He shared that the Mayor has expressed desire to address this concern.

Ald. Johnson responded by suggesting a task force to address this as was done with the IT Department.

Ms. Hamilton informed the Committee that in her budget goals this year is to create the succession plan, which she recognizes is necessary. She shared that though there are benefits to hiring from the outside, when the city does so, much institutional memory is lost. She indicated that given the other projects happening this fall, this would be addressed after the first of the year.

It was decided that a resolution isn't necessary at this time. Ald. Hess-Mahan made a motion to hold with the understanding that the Executive Department will provide Ald. Sangiolo with an update on their progress in addressing this issue, perhaps through the creation of a working group, within one month's time. Should no progress be made within this time frame, the item will be added to the November agenda.

#355-10 PRESIDENT LENNON and ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Real Property & Reuse Committee. Issues regarding reuse of public buildings to be referred to the Public Facilities Committee and issues regarding reuse of City owned land would be referred to the Land Use Committee. Effective date of this change will be January 1, 2012. [11/26/2010 @ 11:59 AM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011

ACTION: **HELD 8-0**

NOTE: Ald. Lappin was unable to attend this meeting and as she is one of the lead sponsors she requested that we hold the item so she may partake in the conversation at a later date.

#356-10 PRESIDENT LENNON and ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Post-Audit Committee. All post audit/follow-up items will be discussed in the substantive committee that originally heard the item. Effective date of this change will be January 1, 2012.[11/26/2010 @ 11:59 AM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011

ACTION: **HELD 8-0**

NOTE: See notes for item #355-10

#357-10 PRESIDENT LENNON and ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Committee on Community Preservation. All Community Preservation items will be referred to the Finance Committee. Effective date of this change will be January 1, 2012. [11/26/2010 @ 11:59 AM]

REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011

ACTION: **HELD 8-0**

NOTE: See notes for item #355-10.

#357-10(2) ALD. YATES proposing a change in the proposed rule to eliminate the Committee on Community Preservation: community preservation items relating to housing and recreation shall be referred to the Programs and Services Committee; items relating to historic preservation and open space shall be referred to the Zoning and Planning Committee; all items shall then be referred to the Finance Committee. [12/6/2010 @ 10:57PM]

REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011

HELD 8-0

NOTE: See notes for item #355-10. This item is scheduled to be taken up in conjunction with item's #355-10, #356-10, and #357-10.

Respectfully Submitted,

Amy Sangiolo, Chairman

CITY OF NEWTON
IN BOARD OF ALDERMEN
SEPTEMBER 22, 2011

WHEREAS, Section 10-2 of the Charter requires the Board of Aldermen to hold a public hearing and act within three months of filing with respect to group petitions, signed by at least fifty voters, which seek “passage of a measure”; and

WHEREAS, the Programs and Services Committee held a public hearing on September 22, 2001; and

WHEREAS, the Board of Aldermen has been advised that the Parks and Recreation Commission has sole authority to regulate swimming at Crystal Lake; and

WHEREAS, residents have expressed interest in, and a desire for, swimming on an at-risk basis at Crystal Lake:

THEREFORE BE IT RESOLVED,

That the Board of Aldermen requests the Parks and Recreation Commission to discuss the possibility of allowing swimming opportunities as expressed at the public hearing on Cronin’s Cove and/or other locations on Crystal Lake.

Peggi Robart
175 Allerton Road
Newton, MA 02461

September 21, 2011

11 SEP 21 P 10 33
CITY CLERK
NEWTON, MA. 02159

To Whom It May Concern:

I have been a Newton resident since 1984 and own a home near Crystal Lake. I have spent wonderful times both at the Public Boat house swimming area and at the coves on the lake. I believe strongly that the Lake belongs to us all and we and the City should do everything to enable the residents to enjoy this precious resource. The word, precious, however, should not imply it should be kept for the enjoyment of a precious few for the larger part of the year. I believe that the majority of people want to allow for swimming in the coves.

Crystal Lake is classified as a Great Pond, because it is over 10 acres in size. This classification makes it a public lake. This means that by state law, the area from low water level to high water level, all around the lake, is open to the public. This issue of swimming should be determined by the public, not just by a few people who want to restrict access to OUR resource.

By what authority are private citizens empowered to try to restrict access to a public lake? This issue, if not allowed to be determined by the citizens of Newton could be taken to the Commonwealth for a determination. I think that it is very commendable that one of Newton's residents has offered sign a permit to be able to take responsibility for swimming. Now that's compromise and a willingness to work towards a real community solution!

I am all for sympathy and understanding. I believe the issues of littering, and "public nudity" that have been brought up are "red herrings" and are little more than as an alarmist attitude from a few to keep our public resource as a personal park and private asset.

We should embrace our community and our resources. Let's relax lakeside at a picnic this Fall together, and together we will allow for more inclusiveness and less exclusiveness.

Sincerely,

Peggi

Friend of Crystal Lake

Rebecca Smith

From: "Rebecca Smith" <rsmith@newtonma.gov>
To: RSMITH@NEWTONMA.GOV
Date sent: Tue, 13 Sep 2011 10:39:46 -0400
Subject: (Fwd) opposition to petition
Priority: normal

----- Forwarded message follows -----

To: rsmith@newtonma.gov
Subject: opposition to petition
From
Date 1 10:38:10 -0400 (EDT)

Hi Rebecca--

My name is Mary Annas and i live at 57 Lake Ave. in Newton Center. I am writing in opposition to the petition to allow "regulated" but "unsupervised" swimming at Cronin's cove in Crystal Lake. While I have learned to live with the increase in traffic and noise and discarded garbage during the summer at Cronin's cove, i have not adjusted to the unsupervised swimming by persons and their dogs during this time. I realize this is a public beach, and like the general idea of everyone being welcome to use it, but also know that unsupervised swimming is a drowning waiting to happen. We have had accidental and intentional drownings at crystal lake in the past, and do not think the city should be risking the liability, either legal or ethical of condoning this swimming. If we did not have supervised swimming on the other side of the lake, this petition might sound (with the specification of what "regulated" means) more reasonable, as it is the petition sounds unreasonable and dangerous. Thank you--Mary Annas

----- End of forwarded message -----

TO:

Vicki Danberg
Richard Blazar
Charlie Shapiro
John Rice
Deborah Crossley
Brian Yates
Scott Lennon
Carleton Merrill
Allan Ciccone Jr
Stephen Linsky
Marcia Johnson
Susan Albright
Anthony Salvucci
Ted Hess-Mahan
Greer Tan-Swiston
JayHarney
Leonard Gentile
Amy Sangiolo
Lisle Baker
Sydra Schnipper
Ruthanne Fuller
Cheryl Lappin
Mitchell Fischman
John Freedman

FROM: Mary E. Costanza, MD
For Friends of Crystal Lake

RE: ATTACHMENTS TO MY SEPT. 27 EMAIL

Some of you could not open the 3 attachments, so I have printed them out for you.

11 SEP 28 A 10 15
CITY CLERK
NEWTON, MA 02159



Costanza Attachment #2

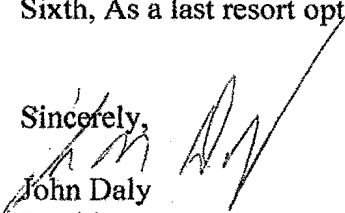


CRONIN COVE, JUNE 2011

Fifth, increase the service times for the City portion of the lake. Limiting legal operating hours will encourage illegal swimming.

Sixth, As a last resort option criminal complaints and arrests are a last resort for Police.

Sincerely,



John Daly

President

Newton Police Association

Friends of Crystal Lake Response to Fogel et al Swim-At-Your-Own-Risk Proposal

September 22, 2011

To: Board of Aldermen, Program and Services Committee

From: Sonya Kurzweil, on behalf of FOCL officers and directors

11 SEP 21 P 10 33
CITY CLERK
NEWTON, MA. 02159

We have reviewed the Fogel Regulated Swim-At-Your-Own-Risk proposal and unanimously agree that the proposal is not viable.

Our problems with the Fogel et al Regulated Swim-At-Your-Own-Risk Proposal are the following:

1. In general, it invites extensive overuse of the Cove, undermining conservation and beautification efforts. For example, beaching causes erosion of the Coves. Erosion creates sediment at the edge of the Lake which contributes to water pollution. Beaching also disrupts wildlife.
2. Like the current situation, the Fogel proposal undermines the Public Swim Program. This summer there were many days when more people beached at Cronin Cove than at the town beach which BTW just underwent a multimillion dollar expansion.
3. As there are no changing facilities or bathrooms at Cronin, the proposal invites indecency along the lines that have been detailed previously. For example, it has not become unusual to see adults and children stripping down and changing in public. There is in fact a detailed log of things that are not appropriate in the middle of a busy neighborhood to which abutter have been subjected.
4. There are issues with parking, noise, traffic and trash that are problematic for the neighborhood given the proximity of the Cove to so many neighbors. Unlike the town beach which is rather set off from the neighborhood, the Coves are very much in the heart of the neighborhood.
5. The proposal does not address safety and water quality issues such as life guards, ropes, water testing, or an aqualtor.
6. The proposed program may create costly legal problems for the city. I don't think signing a waver means the city has no liability in case of an emergency.
7. If "unsupervised" as stated, it invites extensive unauthorized use during the day and after dark trespassing. I'm pretty sure we would see more of that than we are now seeing. And that brings up the next point.
8. How will regulations be enforced? If past experience is an indicator, staff (police?) will be required to monitor the area for unauthorized swimmers night and day.

In my opinion, the cost (in terms of the problems outlined here) being asked for this swim benefit is not reasonable, particularly when we consider all the other places there are to swim in the area: Gath pool, YMCA, JCC, Newton North H.S., Waban Pool, the MDC in Chestnut Hill and of course the town beach with its new multimillion dollar expansion.

We do understand the desire to seek greater enjoyment of Crystal Lake. In this regard, FOCL have several suggestions for program changes: I won't go into these now but would be happy to discuss these at the appropriate time.

1. **Extend Season:** Begin swim season in May. Many college students have completed their terms and may be available for life guarding and algae are not known to be a problem as they are at the end of the season. High School students may also be available on the weekends.
2. **Extend Hours:** Add more morning hours to existing schedule.
3. **Special Times and Events for Specific Constituents:** For example, Saturday morning family time for parents and young children only. Saturday evening for youth and young adults only. Swim-the-Lake days, for qualified swimmers, if life guarding is available.
4. **Allow boating from Bathhouse in the off season, end of August through end of October:** This will facilitate boating and encourage greater appropriate use of the Lake and the new multimillion dollar parkland. For example, docks could be left after the swim season and individuals could purchase (for a fee) 2 months of lock-up space for their boats. Parking is available. Boaters would be required to follow already well established regulations.

Some comments about Crystal property owners. BTW I am not one of them. Crystal Lake is not in my backyard. I may not swim into the Lake from my property. I do know many home owners on the lake and in my opinion it is unfair to characterize them as having special privileges at Crystal Lake. Firstly, and we are only talking about roughly a dozen families, not many Lake abutters swim from their properties. This may in part be because they don't want to invest in maintaining a swimmable beach. There is a fair amount of work that goes into this like limiting contamination from geese, erosion and run-off, water testing, safety measures. Another thing, abutters are subject to rules and regulations too. For example, most of the deeds limit swimming to a circumscribed area adjacent to the home owners' property. They are generally required to swim in an area around their properties (and not into the middle of the Lake). This area is probably smaller the current swim area at the town beach.

One last comment, the public parkland at Crystal Lake has greatly expanded with the acquisition of the one acre 20 Rogers St. parcel. Much of this is used for the public swim park. Ironically, the expansion brought more people into the small worn Coves at times than to the public beach. It brought in many non Newton residents looking for free swimming. We need an effort to bring back the beauty of nature, where it is deteriorating, at both Cronin and Levingston Coves. Not an invitation for everyone in the state to swim at your own risk at Cronin Cove.



David B. Cohen
Mayor



Fran L. Towle
Commissioner

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

June 15, 2009

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice-Chairman*, Peter Johnson, Arthur Magni, Kathleen Heitman, Lee Mottard, Jack Neville, *Alternate*, Michael Clarke, *Alternate*, Peter Kastner, *Alternate*, Fran Towle, *Commissioner*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Also Attending: Carol Stapleton-*Recreation Manager*, Tom Cahill-*Aquatics Manager*, Carol Schein-*Open Space Coordinator*, Maurya Sullivan, *Planning*

Youth Service Awards ceremony took place in the Aldermanic Chambers at 7:00 pm.

Commission Meeting began at 7:45 pm.

1. The Minutes from the May 18, 2009 Commission Meeting were accepted 8-0
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - The Traffic Commission –approved carriage road change to one way going east from Islington Rd (Newton West Little League). This change has limited costs and will improve the flow of traffic.
 - The Swim season opened June 8 at Crystal Lake and Gath Pool.
 - The Special Olympics is taking place this weekend (June 20, & 21) at Harvard University. Mark Kelly-*Special Needs Director* and the athletes will be staying at Boston University.
 - Most of the summer camps are full, there may be a few spots remaining.
 - The Fourth of July is going to be celebrated on the 4th of July this year. There will be no band but there will be a DJ and fireworks.
 - The cost of the new tree pruning contract has gone up three times to what it was in the previous contract, due to an increase in prevailing wages. This will reduce the number of trees being removed and pruned.
3. Crystal Lake
 - Chairman Rice reviewed a letter the Commission received from the Programs & Services Committee requesting an extended swim season at Crystal Lake from August 24, 2009 through and including Labor Day and a request to research the possibility of a Swim at Your Own Risk Policy at Crystal Lake.

Extending the Swim Season

- Commissioner Towle stated she has asked her staff to check the availability of the lifeguards.
 - Crystal Lake does not have any guards available after August 23, 2009.
 - Gath Pool has 7-8 lifeguards available but these lifeguards will be utilized to cover the pool hours already scheduled.
 - The Commissioner has contacted the YMCA. The YMCA may have lifeguards available for one of the weeks but, the lifeguards may not have the Waterfront Module Certification.
 - Mr. Bernheimer asked how many lifeguards would be needed to staff Crystal Lake and when the lifeguards are scheduled to be gone for the season. Carol Stapleton responded Crystal Lake requires 8 lifeguards and a manger. Managers can be rotated in the schedule. The guards are currently scheduled through August 23.
 - Commissioner Towle requested the Commission's permission to send an ad to surrounding Colleges and Recreation Departments to recruit lifeguards. Chairman Rice agreed to the request.
- Commissioner Towle introduced Aquatics Manager Tom Cahill who also sits on the board for the American Red Cross. Mr. Cahill commented if there are lifeguards available he will provide the training. The issue is the guards head back to school and sports activities the end of August and this makes it difficult to recruit lifeguards. It is easier to recruit pool lifeguards than it is to recruit lake lifeguards because of the required Waterfront Module certification. Swimming will be available at Gath Pool between August 24 and September 7.

Swim at Your Own Risk

- Chairperson Rice asked the Commission members for their opinions regarding a Swim at Your Own Risk Policy at Crystal Lake.
 - Commissioner Towle commented her first priority is safety at Crystal Lake.
 - Carol Stapleton, Crystal Lake Manager commented this would be an unsafe policy
 - Lee Mottard asked if the aqualator would be left on or off. Carol Stapleton replied the aqualator would be turned off because the electric current would be unsafe in an unsupervised area. Tom Cahill commented the aqualator also creates a current that could cause a small child to be swept away.
 - Mr. Bernheimer also commented a Swim at your own Risk Policy does not make sense.

Co-Chairman Walter Bernheimer made a motion to maintain the current policy, swimming only with proper supervision. Arthur Magni seconded the motion. The motion passed with a vote of 6-1-1.

4. Off-Leash Dog Park

- Amy Koel, Chairperson of the Dog Off-Leash Advisory Committee (DOLAC) reviewed the monthly report. Amy thanked the Police Department and stated another dog officer is being trained. There are five park locations in the pipeline to apply to DOLAC for an off-leash dog park. These parks are Norumbega Park, Nahanton Park, Newton Center, Braceland and Edmands.

Rebecca Smith

From: "Arndt" <arndt@comcast.net>
To: <Rsmith@newtonma.gov>
Subject: **Cronin's Cove on Crystal Lake and the subcommittee meeting**
Date sent: **Mon, 19 Sep 2011 21:46:46 -0400**

Dear Ms. Smith,

We would to add our strong support to the statements made by the Friends of Crystal Lake.

In addition, we suggest that there be a fence at the edge of the Lake. This would help make it clear that this is not a swimming area. Posted signs clearly have no effect, and the dock offers an invitation to swim.

Sincerely,

Kenneth and Anne Arndt
104 Lake Avenue