

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JUNE 16, 2010

Present: Ald. Sangiolo (Chairman), Rice, Blazar, Baker, Linsky and Merrill

Absent: Ald. Fischman and Hess-Mahan

Also Present: Ald. Fuller, Harney and Yates

Others Present: Amy Koel (Dogs Off Leash Advisory Council), Bob Waddick (Assistant City Solicitor), Donnalyn Kahn (City Solicitor), Bob DeRubeis (Commissioner, Parks & Recreation), Carol Schein (Parks & Recreation), Carol Stapleton (Parks & Recreation), Karyn Dean (Committee Clerk)

Appointment by his Honor the Mayor

#172-10 RICHARD KRONISH, 22 Chestnut Terrace, Newton Centre, appointed as the organized labor representative member of the NEWTON HOUSING AUTHORITY for a term to expire June 21, 2015. (60 days 08/07/10)
[06/01/10 @ 6:04 PM]

ACTION: **APPROVED 4-0 (Ald. Linsky and Merrill not voting)**

NOTE: Mr. Kronish joined the Committee. This Committee requires a representative of organized labor as one of its members and Mr. Kronish is that appointee. He explained that some of the first units of low income housing were developed by elements of organized labor. Mr. Kronish explained that he has experience in development and financing of low income housing and has a long standing commitment to low income housing.

Ald. Yates said it was difficult to know who was on the Newton Housing Authority (NHA) because the names are not posted anywhere including the NHA website. He asked Mr. Kronish to remedy this when he begins his service on the NHS. Ald. Yates also noted that there are a fair number of people in public housing projects with serious mental health and substance abuse issues. He encourages Mr. Kronish to do what he can to get appropriate services to that population.

Ald. Sangiolo said she wanted to know what process the NHA had in place for removing someone from housing as she has a constituent who is having an issue. Ald. Yates said he has also had constituents with this kind of issue and it appears to him that there is no discernable process that is regularly followed. They both asked Mr. Kronish to look into this. Ald. Yates asked Mr. Kronish to find out how many units in Newton are vacant due to lack of appropriate state subsidy with which to make them habitable.

The Committee thanked Mr. Kronish for his willingness to serve and voted to approve his appointment.

#90-10(2) HIS HONOR THE MAYOR appointing DONNALYN B. LYNCH KAHN as City Solicitor, effective June 1, 2010, pursuant to §3-3 of the City Charter. (30 days 7/7/10) [06/01/10 @ 5:19 PM]

ACTION: **APPROVED 5-0 (Ald. Merrill not voting)**

NOTE: Donnalyn Kahn addressed the Committee. She said she would be very happy to serve as the City Solicitor. Her hope is to address everyone's needs as quickly and sufficiently as possible. The plan for the office is to truly maintain client confidentiality which can be tricky because so many people are represented by her office. This could vary from one person in a department, one alderman, the entire Board or the entire City. She is working with the Clerk's office and the Board to determine client confidentiality issues and who has the ability to waive the confidentiality privilege when an opinion is solicited from the Law Department.

Ms. Kahn explained that she is trying to streamline many of the functions in the office with the goal of using everyone to the best of their strengths, abilities and interests. This will allow for the best delivery of service and counsel. Ms. Kahn said the purpose of the Law Department is to give sound, well researched advice and it is up to the client to decide whether or not to follow that advice. She asked for feedback from the Board about how things proceed so that problems can be addressed quickly.

Ald. Yates asked that if two entities in the City were at odds with each other, which would the Law Dept. represent. Ms. Kahn said she could not give an across-the-board answer on that, it would be dependent on the issues. Ald. Yates asked if representation would automatically go to the administration and she said that would not be the case. Ald. Linsky said in the past, it seemed as though the Law Department was primarily counsel for the Executive office and the Board felt they did not have adequate access. There were even discussions about having separate counsel for the Board. He wanted to be assured that there would be equal access and she said there would be.

Ald. Linsky said it is difficult to find out at times what advice has come from the Law Dept on various issues. Ms. Kahn said that they give advice via email, the phone, in passing and it is not always an official written document.

Ms. Kahn is currently interviewing to fill the labor law attorney position. Her office meets regularly with union heads and they have settled a tremendous amount of litigation which is saving both sides money. It puts everyone in a better position for labor negotiations.

Ald. Linsky moved approval of Ms. Kahn's appointment and the Committee voted in favor with their congratulations.

#88-10(2) HIS HONOR THE MAYOR appointing ROBERT DERUBEIS as Commissioner of Parks & Recreation, effective June 1, 2010, pursuant to §3-3 of the City Charter. (30 days 7/7/10) [06/01/10 @ 5:19 PM]

ACTION: **APPROVED 5-0 (Ald. Merrill not voting)**

NOTE: Mr. DeRubeis addressed the Committee. He said he would be honored to serve as the Commissioner of the Parks & Recreation Dept. He has been with the department since 1987 first as a Recreation Commissioner, then Recreation Manager, Chief Supervisor and then the Deputy Commissioner. He wants to continue working with RecStat and performance management. He also wants to continue with the master planning that the City has undertaken. This has to be looked at in terms of new development but also maintenance. Cuts to the budget have made maintenance more challenging and he wants to be sure they do what has to be done in that area. He praised his staff both in the maintenance and recreation areas. The recreation staff has had to take on many of the roles of the Deputy Commissioner and the Maintenance staff works incredibly hard.

Ald. Baker moved to approve the appointment and the Committee voted in favor with congratulations.

#91-10(2) HIS HONOR THE MAYOR re-appointing LINDA WALSH Interim Director of Health and Human Services, effective July 1, 2010 until a permanent replacement is hired, but not to exceed 90 days when the temporary appointment may be extended with Board of Aldermen approval pursuant to §3-6 of the City Charter. (30 days 7/7/10) [06/01/10 @ 6:19 PM]

ACTION: **APPROVED 5-0 (Ald. Merrill not voting)**

NOTE: Since this is a re-appointment, Ms. Walsh was not required to attend the meeting. The Committee voted to approve this re-appointment by a vote of 5-0.

#10-10(3) HIS HONOR THE MAYOR requesting acceptance of the 2,574 square foot triangle of land in the southeastern portion of 192 Lexington Street to be donated by Parkview Homes, LLC, as required by the terms of their Comprehensive Permit in order to continue use of the footpath thereon. [06/01/10 @ 5:06 PM]

ACTION: **APPROVED 6-0**

NOTE: Bob Waddick from the Law Department addressed the Committee. He explained that this item is relative to a housing project that was approved by the Board at 192 Lexington Street using CPA, HOME and CDBG funds. As a condition of the grant of the CPA funds, and as part of the Comprehensive Permit, the applicant was required to donate to the City a particular parcel of land in order to continue the use of an existing footpath which runs from Albert Road to the Burr School. The Mayor's office is requesting that the Board accept the gift of this land. The reason it is in the Programs &

Services Committee is because the footpath will be under the jurisdiction of the Parks & Recreation Department.

Ald. Fuller said that by accepting this land the City has increased responsibility to maintain it and therefore increased costs. She asked if the donation included any maintenance funds. Mr. Waddick explained that the applicants will be resurfacing the existing footpath and replacing some fencing which will be a nice upgrade. It is an asphalt pathway with a fence separating it from a woodland area and he did not think there would be any significant ongoing maintenance required.

Ald. Sangiolo said this is a very nice asset for the Burr School Community and the Committee voted to approve this item and accept the parcel of land.

#242-03(5) PROGRAMS & SERVICES COMMITTEE requesting evaluation of the Off Leash Dog Pilot Program (Section 3-30(e) as established by ordinance Z-11) which was extended to June 30, 2010 to provide an opportunity for a fuller evaluation of the ordinance. [01/25/10 @ 4:45 PM]

ACTION: **NO ACTION NECESSARY 5-0 (Ald. Merrill not voting)**

NOTE: Since the Off Leash Dog Pilot Program has been extended through September 31, 2010, this item is no longer needed. If the Committee wishes to extend the ordinance even longer, they may do so through item #242-03(6). The Committee voted No Action Necessary on this item 5-0.

#242-03(6) ALD. ALBRIGHT requesting to amend Section 3-30 (as established by Ordinance Z-11) to create an off-leash dog areas ordinance. [04/26/10 @ 8:47 AM]

A. EXTEND ORDINANCE TO 9/30/10 APPROVED 6-1-0 (Ald. Sangiolo opposed; Ald. Merrill not voting)

B. FURTHER AMENDMENTS HELD 7-0 (Ald. Merrill not voting)

ACTION: **HELD 5-0 (Ald. Merrill not voting)**

NOTE: The Committee adjourned to the Aldermanic Chamber to hear a presentation of the proposed ordinance changes to the off leash dog areas ordinance by Bob DeRubeis, Commissioner of Parks & Recreation.

The proposed amendments were attached to the agenda. They can also be viewed in the online version of this report. This report will address questions and concerns from the Committee regarding the proposed amendments.

Committee Questions

Correction

Ald. Yates pointed out that the last sentence of (b) (2) incorrectly has the word “designate” and it should be changed to “delegate”. Mr. DeRubeis agreed.

Limiting Number of Off Leash Dogs

One of the changes proposes limiting the number of unleashed dogs to 3 in an off leash dog area. Ald. Yates asked if there were many instances in which people have more than 3 unleashed dogs with them. Mr. DeRubeis said there have been issues with this and it generally applies to professional dog walkers but could also apply to dog owners. A person could have other on-leash dogs with them, but only 3 off-leash at any particular time. The rationale for limiting the number of off-leash dogs is that it seems unreasonable for one person to have good control over more than 3 off-leash dogs at any one time.

Advisory Groups

Mr. DeRubeis explained that there is an additional amendment he would like to propose that was not included in the amendments attached to the agenda. The Dogs Off Leash Advisory Committee (DOLAC) is currently referenced in the ordinance. Mr. DeRubeis has been working with OLAWG (Off Leash Advisory Working Group) most recently and would like to continue to work with them and reference them in the ordinance instead. He would appreciate the ability to have a group to consult with on issues that may come up. The OLAWG is a subcommittee of DOLAC. Ted Kuklinski, a member of OLAWG was present. Ald. Sangiolo asked if he felt OLAWG should be incorporated into the ordinance as a standing group. He said it would be a reasonable idea and the group seems willing to do that but he's not sure if it needs to be in the ordinance or not. The Committee would consider this and would like to see some new language for it.

Excluded Areas

A list of parks/green spaces that were deleted after consideration was distributed to the Committee at the request of Ald. Yates. These areas do not meet the criteria that were established to qualify them as suitable off leash dog areas. It is attached to this report. Ald. Sangiolo said she wanted to clarify that any turf field would not be used for this purpose. Mr. DeRubeis said they definitely would not be. There are 5 Major Little League fields listed in the ordinance. Mr. DeRubeis explained that these are fenced in fields and have been added to the list of ineligible sites for off-leash areas. Ald. Yates wanted to add Robert Braceland Playground in Upper Falls as an ineligible site. Since baseball fields are excluded, he felt this softball field should be excluded. Mr. DeRubeis said the ordinance is specific to the 5 major league sites because their main use is baseball due to the fencing at those fields. Braceland is not fenced and he does not want to include it.

Ald. Sangiolo asked why the elementary schools fields were not listed in the ordinance as excluded sites. Mr. DeRubeis said they are on the list of sites that have been considered and rejected at this point. He did not want to include these in the ordinance as they may be possible sites in the future. Ald. Harney said the elementary schools should be listed in the ordinance as permanent exclusions. Ald. Linsky said different configurations of parks or playgrounds at schools could be suitable and was hesitant to have an across the board exclusion. Mr. DeRubeis said he would have to probably check with the School Committee on elementary playground issues. Ald. Sangiolo has an item in Programs & Services in regard to prohibiting dogs, off- and on-leash, from elementary playgrounds

The Board could address this issue via that item at some future time and Ald. Rice agreed that was a good approach. Mr. DeRubeis said he would like to consult the OLAWG to come up with a distilled list of excluded sites which could include some or all of the elementary schools and bring that back to this Committee.

Ald. Baker was hesitant to have too many areas specifically listed in the ordinance as exclusions. Instead, he felt the selection and designation process should have a mechanism to determine appropriateness of sites.

Selection and Designation Process

Ald. Blazar was confused about who has the authority to select and designate the sites. Mr. DeRubeis explained that the task of selecting sites for potential designation is under the jurisdiction of the Commissioner of Parks & Rec. and the Director of the Planning Dept. Once sites have been selected, the Commissioner can designate an area as an off-leash area if it is Parks & Recreation land and review by the Parks & Recreation Commission. He would also include a public input process. A Conservation or DPW site must be approved by the Conservation Commission or the DPW Commissioner. Ald. Baker said any determination and designation process should be articulated in the ordinance. This would inform people how an area is determined to be appropriate or inappropriate.

Non-City Owned Sites

Ald. Yates said that there are sites in the City owned by the Mass Dept. of Conservation and Recreation (DCR) and some Mass Highway land that could be considered. He would like to amend the ordinance to include that. Mr. DeRubeis said that they have looked at some DCR land and he agreed this could be a good amendment. The Commissioner would obviously have to get the permission of that agency and a process would have to be worked out. In preliminary discussions with DCR on one swath of land, Mr. DeRubeis indicated that they have met with some resistance. DCR indicated they might have some plans for that land in the future. Mr. DeRubeis said he would check on the particulars of that. There is a question whether Newton ordinances would be valid on DCR or other non-city owned land. Ald. Yates said they would have to come to an agreement with the landowner to accept enforcement by the City. If they would not agree, then the land would not be designated as a site. Ald. Baker would like clarification before adopting this amendment and Ald. Sangiolo agreed. If they know in advance that DCR is unlikely to accept the conditions then it does not make sense to include this in the ordinance.

Fencing

Ald. Harney wants some language in the ordinance requiring that all sites have fencing. Ald. Blazar did not believe that fencing was necessary for every area. He said the off-leash area at Cold Spring Park has been incredibly successful and there is no fencing. He said that there were only a very small number of people who have complained. Ald. Yates said his experience has been different and has heard complaints from more than a few. Ald. Baker said required fencing would likely prevent most areas from being established.

Ald. Yates proposed an amendment for the ordinance to include a requirement that topography (i.e. high hills or ledge) and natural (i.e. river or lake) or manmade (i.e. building) barriers or fencing on the site be required in order to keep dogs confined to the off-leash area. Ald. Yates said that some dog owners have expressed they would pay for fencing. Ald. Harney said if an off leash area should be fenced, money should not be an impediment to that. There are costs associated with this program and people benefiting from it should bear the burden of fencing. This could come from user fees or license fees for the areas. Ald. Linsky agreed with a fee concept.

Ald. Yates also recommended changing the second sentence of (b) (1) to replace “they deem appropriate” with “when it is necessary to confine the dogs to the unleashed area.” Mr. DeRubeis said it would be fine to include this as a clarification as to the reason for fencing in some areas.

Mr. DeRubeis said he and the group were working from a mixed use model. This would allow some areas to be fenced in, some open, and some would have seasons and/or hours of operation. All of these conditions would have to be determined on a case by case basis to best serve a particular area. Ald. Linsky agreed with this approach. Ald. Baker would like the Commissioner to have discretion but as mentioned earlier, would like to see a process for decisions spelled out in the ordinance.

Revocation Process

Ald. Linsky suggested giving the Board the authority to revoke an off leash area. There would have to be a process by which areas could be revoked. He felt this might give solace to some members who have concerns. Ald. Baker did not want the Board involved in the revocation process. This is meant to be an administrative process.

Follow Up

Mr. DeRubeis will work with the Law Department to incorporate these amendments and provide the Committee with some revised language. She would take this up if the language is ready in time for the July 14th meeting. Ald. Baker would like to see the new language in a form that can be inserted in the ordinance.

Ald. Yates said the proponents expressed their desire to have this ordinance voted out soon and he would not like to see it delayed. Ald. Sangiolo said it was important to get input from the public as they did tonight. They also need to incorporate these proposed changes, as well as get some questions answered. There will be a meeting in July as well as regular meetings in September. If the pilot program ordinance needs to be extended beyond September, she feels they could do that if necessary. This Committee is not holding up any potential sites.

Mr. DeRubeis explained that two new sites have been tabled at this point pending further information (McGrath and Claflin). Mr. DeRubeis said there will be a meeting with the Conservation Commission in July to review Norumbega Park and the current Cold Spring Park area will be discussed on June 21st.

The Committee voted to hold the item pending new language from the Law Department.

Ald. Sangiolo opened the meeting to public comment.

Claudia Morris, 227 Pleasant St: Ms. Morris said she has been working to get to this point for several years and the new ordinance represents many hours of work by many constituencies and entities. Newton is a dog owning community. She feels Cold Spring Park has been a success as an off leash dog park. She hopes the Board will vote for this ordinance and not allow it to languish.

Susan Herbst, 125 Upland Road: Ms. Herbst said she has been coming to the meetings for this ordinance for several years and is very much in favor of having several dog parks. As a disabled person, it is helpful to have an off leash park in which to exercise her dogs. There are many dog owners in Newton who need a place to exercise their dog and Cold Spring Park has been a success. She encouraged everyone to work together to make off leash dog parks a success and asked the Board to act soon.

Martha Bil Manevich, 19 Arden Road.: Ms. Bil Manevich said she and her neighbors wanted to preserve the use of the park at the Claflin School after it closed. She felt the use of Claflin was protected. She said understands that people need a place to exercise their dogs but dogs should not rule the use of the park. Many dog owners do not pick up dog waste and the children end up with it on them. She would like to work with the City to review the changes that have proposed to be sure the neighbors are protected.

Natalie Sawyer, 11 Stafford Rd.: Ms. Sawyer is in support of the new dog park ordinance. They have been using Cold Spring Park area with their dog and have found it to be a wonderful experience. She can not think of a better recreational use of the parks. She feels that other uses and users can coexist with the dogs and dog owners. She hopes the Board will approve the ordinance.

Norm Wertz, 38 Waban St.: Mr. Wertz is in favor of the off leash dog area ordinance. He believes that mixed use is possible but realizes that some people don't want their children in contact with off leash dogs. He believes the areas should be fenced in as much as possible. He felt it would be easy for the dog owners to raise money to provide the fencing with no cost to the City. He hopes the Board will pass the ordinance.

Diane Cotting, 38 Waban St.: Ms. Cotting is in favor of the new ordinance. She feels it is important to meet the needs of dog owners in the City. Most homeowners do not have enough land to adequately exercise their dogs. She does not feel she should have to drive to get to an off leash area to exercise her dog. She does not have children who use the parks so she wants to get some benefits from the City. She does not want to see the off-leash dogs limited to three per person.

Ted Kuklinski, 24 Henshaw Terrace: Mr. Kuklinski thanked the Board for passing the original ordinance. He is a member of Off Leash Working Advisory Group. The focus

has changed from a citizen driven process to a city driven process which is helpful. This ordinance will go a long way to making legal what is already happening around the City. Every park is different and some need fences and some do not, some should require limited hours of operation, etc. He feels this ordinance works for the needs of Newton and urges the Board to pass it.

Ald. Sangiolo closed public comment.

The Chairman will provide a brief report of the discussion regarding the Director of Human and Volunteer Services position. It will be under separate cover as an addendum to this report at a later date.

Respectfully Submitted,

Amy Sangiolo, Chairman



SETTI D. WARREN
MAYOR

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NEWTON
Parks & Recreation

ROBERT J. DERUBEIS
INTERIM
COMMISSIONER

30 MAY 14 PM 4:45
CITY CLERK
NEWTON, MA 02159

May 14, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Ave.
Newton, MA 02459

Dear Ladies & Gentlemen:

To aid in the facilitation of your discussion with respect to the Off-Leash Ordinance, I have attached a comparative sheet for Section 3-30 Dogs Off-Leash Program of the City of Newton Ordinance that illustrates the current text, the proposed text of the revised ordinance along with a description of the proposed changes, as well as the rationale behind the changes.

As a brief synopsis, the revised ordinance has placed the task of selecting off-leash sites under the jurisdiction of the Commissioner of Parks & Recreation and the Director of Planning & Development, rather than with a number of different municipal agencies. Once sites have been selected, subject to the established site selection criteria, it allows the Commissioner of Parks & Recreation to designate those sites as off-leash areas. If those sites are non-recreation sites, the Commissioner will need to secure permission of the appropriate agency or commission prior to designating the site as an off-leash area.

Operation and maintenance of such non-recreation sites may be delegated to the Commissioner of Parks & Recreation by the appropriate agency or commission. Revocation of an off-leash area is at the discretion of the Commissioner of Parks & Recreation or by the agency or commission having such control over the land. The Commissioner of Parks & Recreation may also develop rules and regulations for the operation of off-leash sites as well as impose time, seasonal and other restrictions on such sites.

The existing ordinance makes reference to an advisory committee (DOLAC) that has been charged with assisting in the decision making process in identifying, evaluating, recommending and establishing off-leash areas. The revised ordinance eliminates this body. Having worked with a very dedicated group of people as part of both DOLAC and the Off Leash Advisory Working Group, it is my strong recommendation to keep OLAWG intact to continue with the process of identifying future sites as well as consulting with them on issues, policies and procedures surrounding future existing off-leash sites.

Thank you for your time and effort in this matter.

Sincerely,

Robert J. DeRubeis
Interim Commissioner

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Sec. 3-30 Dog off-Leash Program

Changes noted in highlighted text

Current text	Proposed text	Description of and Rationale for Proposed Changes
	Delete the provisions of Sec. 3-30 Dogs Off-Leash Pilot Program in its entirety and insert in its place the following section:	
(a) Notwithstanding the provisions of Sec. 3-26(a) Restraint of Dogs, in areas officially designated as "Designated Off -Leash Area" by a municipal agency with care, custody and control of public land, a dog may be permitted off-leash under the following minimum conditions, and subject to any other rules and regulations or time restrictions established from time to time by such agency.	(a) Notwithstanding the provisions of Sec. 3-26(a) Restraint of Dogs, in areas officially designated as a "Designated Off -Leash Area" by the commissioner of parks and recreation, a dog may be permitted off-leash under the following minimum conditions, and subject to any additional rules, regulations, and restrictions that may from time to time be in effect for an off-leash area.	Rather than municipal agency with control of the public land designating off leash areas, those areas are to be designated by the commissioner of parks and recreation. Control of non-recreation land would have to be granted to the commissioner of parks and recreation.
(1) The dog shall at all times be accompanied by and under the control of a person, who shall ensure that the animal does not disturb the surrounding area by excessive barking, and shall ensure that it does not disturb or threaten other dogs or persons using the designated off-leash area or surrounding area; the dog shall be leashed when entering and exiting the designated off-leash area.	(1) The dog shall at all times be accompanied by and under the control of a person, who shall ensure that the animal does not disturb the surrounding area by excessive barking, and shall ensure that it does not disturb or threaten other dogs or persons using the designated off-leash area or surrounding area;	
(2) Any dog left unattended is subject to impoundment by the Newton police;	(2) The dog shall be leashed prior to entering and upon exiting the designated off-leash area.	previously part of a1
(3) The person in charge of a dog inside a designated off-leash area shall, in accordance with Section 3-29, immediately remove and as soon as practicable properly dispose of any fecal waste deposited by that dog.	(3) Any dog left unattended is subject to impoundment by the Newton police;	previously a2
(4) The dog shall wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free. Dogs must be at least four months old to be allowed off-leash.	(4) The person in charge of a dog inside a designated off-leash area shall, in accordance with Section 3-29, immediately remove and as soon as practicable properly dispose of any fecal waste deposited by that dog.	previously a3

Sec. 3-30 Dog off-Leash Program

Current Text	Proposed text	Description of and Rationale for Proposed Changes
(5) The number of dogs per person in a designated off-leash area is limited to three. The person in charge of a dog or dogs must at all times carry a leash for each dog under that person's supervision.	(5) The dog shall wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free.	previously a4
(6) The dog owner and/or person in charge of a dog are responsible to ensure that the dog's activity conforms to all rules and regulations pertaining to the off-leash area, as well as for any injury or damage to public property caused by the dog.	(6) Dogs must be at least four months old to be allowed off-leash.	previously a4
(7) No person shall bring a female dog in heat into any designated off-leash area.	(7) The number of off-leash dogs per person in a designated off-leash area is limited to three, unless otherwise specified in the rules and regulations pertaining to a particular off-leash area.	Previously a5. Change in language: The change from original text to proposed is from the number of dogs in an off-leash area to the number of off-leash in a designated off leash area. Rationale is that individual could be in off-leash area with more than three dogs, as long as only three dogs are off-leash at one time.
(8) Any dog which is the subject of a complaint, investigation, order or proceeding under Section 3-25 or Section 3-27 of this ordinance, and/or under General Laws Chapter 140, section 157 shall be banned from designated off-leash areas.	(8) The person in charge of a dog or dogs must at all times carry a leash for each dog under that person's supervision.	previously a5
	9) The dog owner and/or person in charge of a dog are responsible to ensure that the dog's activity conforms to all rules and regulations pertaining to the off-leash area, as well as for any injury to persons or animals, or damage to public or private property caused by the dog.	previously a6
	(10) No person shall bring a female dog in heat into any designated off-leash area.	previously a7
	(11) Any dog which is the subject of a complaint, investigation, order or proceeding pursuant to Section 3-25 or Section 3-27 of this ordinance, and/or under General Laws Chapter 140, section 157 shall be banned from designated off-leash areas.	
(b) Sites for Designated Off-Leash Areas.	(b) Selection and Designation of Sites for Off-Leash Areas.	
Current text	Proposed text	Description of and Rationale for Proposed Changes

Sec. 3-30 Dog off-Leash Program

<p>(1) A municipal agency with care, custody and control of public land, may from time to time designate one or more specific areas on such land to be designated off-leash areas. Such custodial agency may from time to time establish rules and regulations for use of each such area, which shall be posted at the site. With respect to this section, such agency shall have sole authority over land subject to its care custody and control, may limit the number of designated areas, and may revoke a designation at any time. Notwithstanding anything to the contrary contained herein or hereafter, the following areas shall not be designated under any circumstances as designated off-leash areas by the agency having care, custody, and control thereof: the little league baseball fields on (i) Lyons Playground; (ii) James E. Murphy Field at the Halloran Sports Complex; (iii) Leo H. Riley Field at Cabot Park; (iv) Jay Gordon Field at Newton Centre Playground; and (v) Richardson Field.</p>	<p>(1) The commissioner of parks and recreation, together with the director of planning and development, shall establish site selection criteria for the identification of appropriate sites for dogs off-leash areas on public land under owned by the city, and shall identify sites for potential designation. For any particular potential site, the commissioner and director may recommend additional criteria for designation of that particular site, such as need for fencing, where they deem appropriate.</p>	<p>Rather than having a number of municipal agencies making recommendations for proposed off-leash sites, it is under the jurisdiction of the commissioner of parks and recreation and the director of planning and development.</p>
	<p>(2) Subject to the established site selection criteria, the commissioner of parks and recreation may designate specific off-leash areas on public land under the control of the city. If the identified area is under the jurisdiction of a municipal agency or commission other than the parks and recreation department, the commissioner shall obtain permission of that agency or commission prior to such designation. An agency or commission granting such permission may designate operation and maintenance of the off-leash area to the commissioner of parks and recreation.</p>	<p>Gives the commissioner of parks and recreation the authority to designate recreation and non-recreation sites throughout the city as off-leash areas. Commissioner needs permission for non-recreation sites.</p>
	<p>(3) A designation of any off-leash area may be revoked at any time by the commissioner or by the municipal agency or commission with jurisdiction of the off-leash area.</p>	<p>Revocation of recreation sites by commissioner of parks and recreation, non-recreation sites by agency in charge of such site.</p>
	<p>(4) Notwithstanding anything to the contrary contained herein or hereafter, the following areas shall not be designated under any circumstances as designated off-leash areas: the little league baseball fields on (i) Lyons Playground; (ii) James E. Murphy Field at the Halloran Sports Complex; (iii) Leo H. Riley Field at Cabot Park; (iv) Jay Gordon Field at Newton Centre Playground; and (v) Richardson Field.</p>	<p>Same language from original ordinance that prohibits off-leash areas on enclosed (Major League) Little League fields.</p>

Sec. 3-30 Dog off-Leash Program

Current text	Proposed text	Description of and Rationale for Proposed Changes
<p>(C) Dogs Off-Leash Advisory Committee.</p> <p>(1) To assist a custodial agency in its decisions, there shall be formed a dogs off-leash advisory committee, under the auspices of the department of planning and development. The advisory committee shall consist of one alderman; one representative from the parks and recreation department, nominated by the parks and recreation commission; one representative from the conservation commission, nominated by that commission; an animal control officer of the city of Newton, ex officio; and four citizens of Newton to be appointed by the board of aldermen. To insure an orderly transition, current citizen members of the existing off-leash task force shall be asked to serve as the initial citizen appointees of the dogs off-leash advisory committee for a term not to exceed one year, unless further appointed.</p>	<p>(C) Rules and Regulations</p> <p>In addition to the minimum conditions listed in section (a) applicable to all designated off-leash areas, the commissioner may from time to time promulgate rules and regulations for the general operation and use of all off-leash areas, as well as rules and regulations specific to the use and operation of an individual site. The commissioner may impose time, seasonal, or other restrictions for the use of any area. In the case of off-leash areas on sites under the jurisdiction of another agency or commission, that agency or commission shall approve such rules, regulations and restrictions, and may make such additional rules, regulations, and restrictions it deems necessary.</p>	<p>Elimination of Dogs Off Leash Advisory Committee (DOLAC), responsibilities to fall under the commissioner of parks and recreation.</p>
<p>(2) The advisory committee shall develop and recommend site selection criteria to custodial agencies and shall from time to time recommend to the appropriate custodial agency a site or sites which said agency may consider for designation as official off-leash areas. The advisory committee shall consider only those proposed sites for which a local resident group will sponsor the site; will designate a person to serve as liaison with the city; will agree to mitigate dog-related impact on the site; and will agree to such other terms and conditions as the advisory committee and the custodial agency may deem appropriate for that site. The custodial agency with control over such site shall take such steps as it deems appropriate to notify and to solicit the opinions and suggestions of abutters and other neighborhood residents prior to designation.</p>	<p>(d) Signs - All conditions, rules and regulations, and other restrictions applicable to a designated off-leash area, as well as the boundaries of such area, shall be conspicuously posted.</p>	<p>Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC). New ordinance language deals with signage at off-leash sites.</p>
<p>(3) The advisory committee shall recommend to the custodial agency rules, regulations and time restrictions to be established for each off-leash area, and may at any time recommend that the agency revise said rules, regulations or time restrictions for any or all designated off-leash areas.</p>	<p>(e) Penalties: The owner and/or the person in charge of a dog in a designated off-leash area who fails to control said dog or who violates any of the rules, regulations or restrictions pertaining to the designated off-leash area shall be subject to a fine of fifty dollars (\$50.00) for each offense.</p>	<p>Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC). New ordinance language deals with fines associated with dogs being off-leash outside the designated area.</p>

Sec. 3-30 Dog off-Leash Program

Current text	Proposed text	Description of and Rationale for Proposed Changes
(4) The advisory committee shall monitor and evaluate the dogs off-leash program and shall report to the custodial agency on a regular basis, but no less than twice a year. The advisory committee may recommend additional sites for designation, and may recommend that designation for a particular site or sites be revoked.		Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC).
(5) The advisory committee shall establish a procedure for receiving and logging comments and complaints pertaining to activities in designated off-leash areas. The log shall be made available to the custodial agency and the board of aldermen on an ongoing basis. The advisory committee shall consider comments and complaints received in order to assist in its evaluation of off-leash areas and in the reports required by Section 3-30(c)(3) and Section 3-30 (e).		Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC).
(6) The advisory committee may appoint interested residents to assist, as it may deem appropriate, in its review of off-leash sites and other tasks as assigned by the committee		Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC).
(d) Penalties: The owner and/or the person in charge of a dog in a designated off-leash area who fails to control said dog or who violates any of the rules, regulations or time restrictions pertaining to the designated off-leash area shall be subject to the penalties set forth in Sec. 3-26 (b).		The language in the old text dealing with penalties is discussed in Section a) of the new text. It is more general and deals with Sec. 3-26(a) of the Newton Ordinance rather than just specifying the penalties.
(e) The provisions of this section will expire on June 30, 2010 unless terminated earlier, or unless renewed or revised by the board of aldermen. Six months prior to expiration, the advisory committee shall report and make ordinance should be terminated, renewed in its present form, or revised. (Ord. No. Z-11, 12-03-07; Ord. No Z-54, 11-02-09)		Deals with temporary nature of current ordinance. Permanent nature of proposed ordinance eliminates need for clause.

Parks/Green Spaces Deleted After Consideration

Ward	Park/Green Space
1	Boyd Park/Lincoln Eliot Playground
1	Stearns Park
1	Carleton Park
1	Charlesbank Park
2	Elmwood Park
2	Gath Pool
2	Bullough's Pond
2	NNHS
2	Ed Center
2	Washington Park
2	Carr School
2	Lowell Park
2	Pelligrini
3	Tom Torchia Playground/NCSC Playground
3	Wellington Playground
3	Capt. Ryan Park
3	Franklin School Playground
3	River St Playground
4	Burr School Playground
4	Lyons Park
4	Pierce School Playground
4	Williams School Playground
4	Ford Playground
4	Islington Oval
4	Hamilton Playground
4	Pierce School Playground
5	New Cold Spring Park
5	Warren Lincoln Playground
5	Angier School Playground
5	Zervas School Playground
5	Emerson Playground
5	Hyde Playground
6	Mason Rice Playground
6	Crystal Lake
6	Levingston Cove
6	Cronin's Cove
6	Newton Centre Green
7	Ward Park
7	Ward School Playground
7	Eliot Memorial Park
7	Webster Park
7	Farlow Park
7	Chaffin Park
8	Brown & Oak Middle Sch Playground
8	Kennard Park
8	Solomon Schechter Playground
8	Memorial Spaulding Playground
8	Countryside School Playground
Consv	Webster Conservation Area
Consv	Dolan Pond
Consv	Houghton Garden
Consv	Kennard Conservation
Consv	Saw Mill Brook Conservation Area
Consv	Charles River Path/ Wells Ave
Consv	Ordway Park