

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, JULY 14, 2010

**7:45PM**  
**Room 222**

**ITEMS SCHEDULED FOR DISCUSSION:**

- #185-10      PRESIDENT LENNON recommending the appointment of LLOYD DAVID, 107 Hobart Road, Newton Centre, as an Aldermanic appointee to the COMMUNITY EDUCATION COMMITTEE for a term to expire 12/31/11. (60 days 8/20/11) [06/11/10 @2:31 PM]
- 206-10      VETERANS' AGENT requesting a discussion and support for the replacement of the WWII Honor Roll on the grounds of City Hall at the intersection of Walnut Street and Commonwealth Avenue. [07/06/10 @ 4:41 PM]
- #100-10      ALD. JOHNSON AND SANGIOLO requesting amendment of the Rules of the Board, **Section 6. Committee Reports, A.** to "It shall be the duty of any committee to whom a subject may be specifically referred to take this item up and report thereon within three weeks from the time said subject is referred to them, or at the next meeting thereafter, or to ask for further time. No committee and hence Board action (Approved, Denied, No Action Necessary) may be taken without a discussion with the primary docketer, at a minimum, with the substantive committee." [03/21/10 @ 9:12 PM]
- #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)**

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Kathleen Cahill, 617-796-1125, via email at [KCahill@newtonma.gov](mailto:KCahill@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

**ITEMS NOT YET SCHEDULED FOR DISCUSSION:**

- #207-10 ALD. SANGIOLO, YATES, FISCHMAN, JOHNSON requesting a discussion with the Newton Housing Authority regarding the various housing programs offered and the process and procedures in (1) selection of appropriate housing for tenants with special needs (2) any special services offered to tenants with disabilities (3) resolution of tenant disputes and possible eviction procedures and (4) tenant resources and recourse in the event of tenant complaints. [7/7/10 @8:53 AM]
- #95-09(2) PROGRAMS & SERVICE COMMITTEE requesting establishment of an Advisory Committee to review processes of the Board of Aldermen and report recommended efficiency improvements to the Board of Aldermen. Members of the Advisory Committee shall be appointed by the Chairman and Vice Chairman of the Programs & Services Committee and the President of the Board. [11/16/09 @ 3:59 PM]
- #98-10 ALD. YATES requesting that the Board of Aldermen and His Honor the Mayor take all possible steps to change state law to save local costs by giving cities and towns the right to negotiate health plans on the same basis as the Commonwealth. Such steps would include, but not be limited to, joining the Coalition to Save our Communities and notifying our city legislators of our urgent concern about this matter. [03/23/10 @ 4:29 PM]

**REFERRED TO PUB SAFETY & TRANS AND PROG & SERV COMMITTEES**

- #20-10 ALD. HESS-MAHAN AND HARNEY requesting special legislation prohibiting the use of handheld mobile devices to send, read or receive electronic messages while operating a motor vehicle within the City of Newton and in order to protect its citizens and to limit unnecessary motor vehicle accidents, injuries, and fatalities, and that the appropriate committees conduct a public hearing to examine the feasibility thereof. [01/04/10 @ 5:07 PM]
- #363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/19 @ 1:07 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #360-09(2) PROGRAM & SERVICES COMMITTEE requesting a discussion to explore possible sources of revenue to fund an off leash dog park system in the City. [11/06/09 @ 10:44 AM]  
**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**
- #298-09 ALD. MANSFIELD proposing Home Rule Legislation to amend **Article 2, Section 2-1(c) Composition; Eligibility; Election and Term** of the Newton Charter to establish four-year terms for Aldermen-at-Large with

the provision for one Aldermen-at-Large to be elected from each ward at each biennial municipal election. [09-29-09 @ 6:45 PM]

#125-09 THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report. [04/17/09 @ 9:14 PM]

#8-09 ALD. HESS-MAHAN, LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @ 9:55 AM]

**REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES**

#474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.

#306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07/17/08 @ 9:53 AM]

**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**

**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**

**REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES**

#271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, the Parks and Recreation Department, and the Department of Public Works in order to

determine the most effective and efficient way to organize the work of managing our public resources. [07/17/08 @ 9:53 AM]

**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07/17/08 @ 9:53 AM]

**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07/08/08 @ 1:29 PM]

**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:  
"Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?" [05/21/08 @ 12:58 PM]

**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**

#129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board. [03-24-08 @ 9:11 AM]

**REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES**

#89-08 ALD. PARKER requesting the following:  
A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)  
B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility  
C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds. [02/13/08 @ 12:07 PM]

**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**

- #287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09/20/07 @ 1:22 PM]
- #262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08/22/07 @ 3:53 PM]
- #82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02/27/07 @ 10:21 PM]
- #52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007. [02/09/07 @ 12:36 PM]
- #422-06(2) ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]
- #370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.

**REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES**

- #245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial

condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

#346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.

Respectfully Submitted,

Amy Sangiolo, Chairman

In the meantime, do not hesitate to follow up with me with any further questions.

Best,

Andrew Warner

Community Outreach Coordinator  
Office of Mayor Setti D. Warren  
Phone: 617-796-1103  
Fax: 617-796-1113  
[AWarner@newtonma.gov](mailto:AWarner@newtonma.gov)  
1000 Commonwealth Ave.  
Suite # 211  
Newton, MA 02459

## RESUME

LLOYD DAVID  
107 Hobart Road, Newton, MA 02459 617-965-2408  
617-783-6360 (Office) 617-782-0136 (Fax)  
EMAIL: [lloyd\\_david@creativeworkplacelearning.org](mailto:lloyd_david@creativeworkplacelearning.org)

## EDUCATION

Harvard University Graduate School of Education, Ed.D. 1977,  
Administration, Planning and Social Policy University of Wisconsin, MA  
1965, Industrial and Labor Relations University of Massachusetts, BA 1963,  
Business Administration

## EMPLOYMENT

President & Founder, Creative Workplace Learning Inc., -2001-2010.  
311 Washington Street Brighton, MA 02135.  
President & Founder, Continuing Education Institute Inc., 1977-2001  
108 Water Street, Watertown, MA 02172.  
Director of Adult Education, Cambridge School Department, 1974-1977.  
Cambridge, MA  
Assistant Manager of Labor Relations, Harvard University, 1969-1973.  
Cambridge MA  
Peace Corps Volunteer, 1966-1969. Santiago, Chile  
Economist -1965-66, US Department of Labor, Bureau of Labor Statistics  
Washington, DC Research Assistant, University of Wisconsin, Madison  
1963-1965.

## QUALIFICATIONS

Organizational Expertise: Founded Continuing Education Institute Inc. (CEI) in 1977 to promote and enhance workplace education by providing consulting services, program delivery and advocacy. In 2001 established Creative Workplace Learning (CWL). To date, more than 10,000 people have attended CEI and CWL classes and almost 1000 have earned a high school diploma through the CWL Adult Diploma Program (ADP).

Program Design: Designed and implemented site-specific workplace educational programs that incorporate the requirements of the employer and the educational needs of individual workers, including: English as a

Second Language Programs, Basic Education Programs, an Adult Diploma Program and School-to-Work Programs.

Proposal Writing: Submitted and had approved 3 Workplace Literacy Grants from the US Department of Education. Received numerous state, corporate and foundation grants for workplace education, adult and continuing education, teacher training, school-to-work and staff development.

Financial and Personnel Management: Written and managed budgets for CEI/CWL and the Cambridge Public Schools. Set up basic computer accounting systems. Hired, trained and supervised hundreds of full and part-time instructors, administrative and office support staff.

Editing: Served as editor of the "Training Scene," a monthly publication of the Massachusetts Chapter American Society for Training and Development. Member of the Editorial Board of the Adult Learning magazine of the American Association of Adult and Continuing Education.

Educational and Community Leadership: Served as an officer or board member of several professional and community organizations: Massachusetts Coalition of Adult Education, founder, member of Board of Directors 1990-2001--Chair Business/Labor Committee; Greater Boston Chamber of Commerce, member Workforce Development Committee - 1995-2001; New England Region American Jewish Congress, Governing Board 1994-2001; Massachusetts Association for Adult and Continuing Education, President 1978-1980; Partners of the Americas, President Massachusetts Chapter 1985-1987; Temple Emanuel, Newton, MA, Vice President 1990-1993 member Board of Trustees 1986-2010.

Languages: In addition to English, speak and read Spanish and also read Portuguese, German and Hebrew.

#### PUBLICATIONS

"Onsite EWL classes: a win-win situation", bostonworks.com August 14, 2006.

"GLOBAL 2000: A National Workplace Literacy Manufacturing Program - Raising Employees' Educational Level Improves Productivity", Target, Periodical of the Association for Manufacturing Excellence, June/July/August 1997, p.31.

CEI Workplace Education Reports: Editor and contributor to this publication 1991-1996

"Are Workplace Education Programs Important to Business?" Training Scene, Newsletter of the Massachusetts Chapter of American Society of Training and Development, Issue 10, Vol.23,Dec.,1993.

"Workplace Literacy Programs: Important Part of Rescue of U.S. Economy " Adult Learning, Vol. 3, No. 8, American Association of Adult and Continuing Education, Arlington, VA, June, 1992, p. 3.

Teaching and Learning English as a Second Language: Curriculum Development Resources for Nursing Homes, Continuing Education Institute, Inc., Needham, MA 1991.

"Workplace Literacy." Harvard Graduate School of Education Bulletin, Vol. XXXIII, No. 3, Summer 1989, pp. 14-16.



"An Alternative High School Diploma Program," Harvard Graduate School of Education Alumni Bulletin, Vol. XXII, No. 1, Fall, 1977, pp. 14-16.

"Adult Diploma Program," Boletin Informativo Centro Latino Americano de Educacion de Adultos CLEA, Santiago, Chile, Spring 1979.

"Improving Employment Opportunities of Adults Through Education, A Model Adult High School Diploma Program," Manpower Training Institute, U.S. HEW & U.S. DOL, Boston, 1976.

Tomorrow's Manpower Needs, BLS Statistics, Dept. of Labor, Washington, D.C.

Occupational Outlook Handbook, 1968-1969 Edition, Bureau of Labor and Statistics, Department of Labor, Washington, D.C.

"Down-to-Earth Facts about Aerospace," Occupational Outlook Quarterly, Vol. 10, No. 2, May, 1966.

"Automation and Some Implications for the Handicapped," Manpower Administration, U.S. Department of Labor, Washington, D.C., 1964.

#### RESEARCH/WRITING

An Alternative High School Diploma Program for Adults, (Cambridge, MA: Harvard University Library, 1977) Dissertation.

Some Social and Economic Factors That Influenced the Development of Vocational Ed. in the United States, ( Harvard University Graduate School of Education, 1974) Qualifying Paper.

Characteristics of Engineering Technicians with Blue Collar Backgrounds, (University of Wisconsin Library, 1965) Masters Thesis.

The Role of the Specialist on the Stock Exchange, (University of Massachusetts Library 1963) Honors Thesis.

#### AWARDS

Kellogg/Partners International Fellowship  
W.K. Kellogg Foundation 1984-1986

Who's Who in the East  
1989/1990/ 1991/1992

**June 23, 2010 Rules Subcommittee Report excerpt:**

The Subcommittee voted to approve the following amended language:

*“It shall be the duty of any committee to whom a subject may be specifically referred to take this item up and report thereon within one year from the time said subject is referred to them or to ask for further time. No committee and hence Board action (Approved, Denied, No Action Necessary) may be taken without a discussion with the primary docketer at a minimum, or with a report of the committee to which the item may have been jointly referred.”*

**INTEROFFICE MEMO**

**To:** Bob DeRubeis, Commissioner of Parks & Recreation  
**From:** Marie M. Lawlor, Assistant City Solicitor  
**Date:** July 9, 2010  
**Re:** Dogs off leash ordinance revisions Item # 242-03(6)

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I have sent you under separate cover both a clean copy and a redline of revisions made to the proposed dogs off leash ordinance after reviewing the Programs & Services Committee meeting minutes.

As we discussed at our meeting, the revisions address and incorporate as many comments of the committee as possible, with the following exceptions:

1. State Owned Lands: The committee requested removal of the limitation to city-owned land that lands owned by the state (DCR or Mass Highway, for example) may be utilized for dogs off leash area. The City has no jurisdiction or authority to enact an ordinance involving land owned or controlled by the State or any non-municipal public agency. Any ordinance purporting to apply to state owned land would be invalid.
2. Non –eligible sites: No new areas of land to be excluded from consideration as a dog off leash area has been added at this time. I was not able to determine any consensus on any particular new areas to be added to the section of non-eligible sites. The language can be easily revised to add additional sites once the policy decisions are made.
3. Fees: Language regarding fees is also premature. I understand that a separate item has been docketed requesting a discussion of possible sources of revenue for dog parks. (#360-09(2)).

**DRAFT for discussion purposes - 7/9/10**

**Delete the provisions of Sec. 3-30 Dogs Off-Leash Pilot Program in its entirety and insert in its place the following section:**

**Sec. 3-30 Dogs Off-Leash Program**

(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.

- (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) The dog shall be leashed prior to entering and upon exiting the designated off-leash area.
- (3) Any dog left unattended is subject to impoundment by the Newton police;
- (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.
- (5) The dog shall wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free.
- (6) Dogs must be at least four months old to be allowed off-leash.
- (7) The number of 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.
- (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.
- (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.
- (10) No person shall bring a female dog in heat into any designated off-leash area.

- (11) 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.

*(b) Selection and Designation of Sites for Off-Leash Areas.*

- (1) **Site selection criteria.** 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 consideration as dogs off-leash areas on public land owned by the city, and shall identify and list potential sites for consideration as an off-leash area in accordance with such criteria. Site selection criteria may include a preference for areas with natural topography or features that would confine dogs to the off leash area. For any particular potential site or sites, the commissioner and director may recommend additional criteria for designation of the particular site or sites. Such additional criteria may include, but are not limited to, seasonal or time restrictions, and the need for fencing, when the commissioner deems it necessary to confine the dogs to the off leash area. The commissioner and director may appoint a group of interested persons to advise or otherwise assist them in their duties.
- (2) **Designation of Off-Leash Areas.** 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 delegate operation and maintenance of the off-leash area to the commissioner. Prior to designation of any off-leash area, the commissioner or other municipal agency or commission having jurisdiction of the potential site shall conduct a public hearing.
- (3) **Revocation.** 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.
- (4) **Areas not eligible for designation.** 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.
- (c) **Rules and Regulations.** 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.

(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.

(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.

Changes highlighted in **gray**

**DRAFT for discussion purposes - 7/9/10**

**Delete the provisions of Sec. 3-30 Dogs Off-Leash Pilot Program in its entirety and insert in its place the following section:**

**Sec. 3-30 Dogs Off-Leash Program**

(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.

- (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) The dog shall be leashed prior to entering and upon exiting the designated off-leash area.
- (3) Any dog left unattended is subject to impoundment by the Newton police;
- (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.
- (5) The dog shall wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free.
- (6) Dogs must be at least four months old to be allowed off-leash.
- (7) The number of 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.
- (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.
- (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.
- (10) No person shall bring a female dog in heat into any designated off-leash area.

- (11) 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.

*(b) Selection and Designation of Sites for Off-Leash Areas.*

- (1) *Site selection criteria.* 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 consideration as dogs off-leash areas on public land owned by the city, and shall identify and list potential sites for consideration as an off-leash area in accordance with such criteria. Site selection criteria may include a preference for areas with natural topography or features that would confine dogs to the off leash area. For any particular potential site or sites, the commissioner and director may recommend additional criteria for designation of the particular site or sites. Such additional criteria may include, but are not limited to, seasonal or time restrictions, and the need for fencing, when the commissioner deems it necessary to confine the dogs to the off leash area. The commissioner and director may appoint a group of interested persons to advise or otherwise assist them in their duties.
- (2) *Designation of Off-Leash Areas.* 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 delegate operation and maintenance of the off-leash area to the commissioner. Prior to designation of any off-leash area, the commissioner or other municipal agency or commission having jurisdiction of the potential site shall conduct a public hearing.
- (3) *Revocation.* 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.
- (4) *Areas not eligible for designation.* 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.

- (c) Rules and Regulations.* 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.

(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.

(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.