

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, SEPTEMBER 23, 2009

7:45PM – Room 222

ITEMS SCHEDULED FOR DISCUSSION:

Re-Appointment by His Honor the Mayor

#274-09 HARRY LOHR, 157 Cherry St., West Newton, re-appointed as a Trustee of the NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD for a term to expire on February 1, 2012.
(60 days: 11/20/09) [09/8/09 @ 1:10 PM]

Re-Appointment by His Honor the Mayor

#275-09 ROBERT STAULO, 1157 Walnut St., Newton Highlands, re-appointed as a Member of the NEWTON YOUTH COMMISSION for a term to expire on September 15, 2012. (60 days: 11/20/09) [09/03/09 @ 2:33 PM]

Re-Appointment by His Honor the Mayor

#276-09 TERENCE SACK, 64 Dorcar Rd., Newton Centre, re-appointed as a Member of the NEWTON YOUTH COMMISSION for a term to expire on September 15, 2012. (60 days: 11/20/09) [09/03/09 @ 2:33 PM]

Re-Appointment by His Honor the Mayor

#277-09 JOSEPH DeVITO, 457 Wolcott St., Auburndale, re-appointed as a Member of the NEWTON YOUTH COMMISSION for a term to expire on September 15, 2012. (60 days: 11/20/09) [09/09/09 @ 12:46 PM]

#242-03(4) ALD ALBRIGHT, JOHNSON AND FISCHMAN requesting an extension of the expiration date in the Off-Leash Dog Pilot Program (Section 3-30(e) as established by ordinance Z-11) from December 3, 2009 to December 31, 2011, to allow the creation of additional designated areas or times in existing Newton parks, and to provide the opportunity for a full evaluation of this ordinance. [06/15/09 @ 10:13 AM]

#124-09(2) ALD. JOHNSON AND SANGIOLO proposing to limit the number of terms held by Chairmen of the Committees of the Board of Aldermen. [06/15/09 @ 10:17 AM]

- #260-09 ALD. PARKER, HESS-MAHAN, SANGIOLO, FISCHMAN, LENNON, SCHNIPPER, YATES, HARNEY proposing a RESOLUTION that the City of Newton join with over 1300 communities state- and nation-wide to designate May 1 as *Silver Star Banner Day* to honor our wounded and ill military veterans. [09/01/09 @ 7:45 PM]
- #258-09 CLERK OF THE BOARD requesting that Article II, Section 2A(1)B(1), **Procedures regarding Board action on traffic and parking petitions** and Article V, Section 3, **Procedures for referral and reporting of traffic and parking petitions**, of the Rules of the Board, be amended to reflect the procedures as outline in Ordinance Z-12, passed on December 7, 2007. [08/06/09 @ 3:12 PM]
- #169-09 ALD. HESS-MAHAN, on behalf of Newton Dialogues for Peace and War, requesting adoption of a RESOLUTION endorsing Rep. Barney Frank's proposal for a 25% reduction in the military budget. [06/08/09 @ 2:55 PM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #95-09 TOM SHEFF requesting the Board of Aldermen appoint an advisory committee made of up persons who are not elected officials to review the daily processes of the Board of Aldermen and report recommended efficiency improvements to the Board of Aldermen. [03/26/09 @8:34 pm]
REFERRED TO LONG RANGE PLANNING
- #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.
- #232-09 ALD. HESS-MAHAN, DANBERG AND FREEDMAN requesting an amendment to the City of Newton Ordinances to ban the sale of tobacco products at pharmacies in Newton. [07/16/09 @ 9:42 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #130-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Cable Receipts the sum of twenty-four thousand nine hundred eighteen dollars (\$24,918) for the purpose of purchasing equipment to provide for archived web casting of the Board of Aldermen and School Committee meetings. [4/28/09 @ 6:02 PM]

#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]

#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]

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

#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.

REFERRED TO PS&T AND PROGRAMS & SERVICES COMMITTEES

#391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to (#122-92(3)) petition the General Court for an amendment to the legislation that governs the appointment of a Police Chief in the City of Newton in order to add two members to the committee: an additional representative of the Newton Superior Officers Association and an additional citizen member. [11/4/08 @ 12:31 PM]

#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]

#292-08(2) PROGRAMS AND SERVICES COMMITTEE requesting that His Honor the Mayor develop a written policy of standards and processes that could be uniformly followed by community groups for the use of the branch library buildings. [11/07/08 @ 11:11 AM]

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]

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.,
PUB. SAFETY 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]

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]

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]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #261-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07/08/08 @ 1:29 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #259-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs. [07/08/08 @ 1:28 PM]

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]

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]

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]
- #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]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02/27/07 @ 10:21 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 PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#267-06(3) ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

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.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.

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

**REFERRED TO PROGRAMS & SERVICES, PUBLIC FACILITIES
AND FINANCE COMMITTEES**

#309-01 ALD. PARKER requesting increase in the income eligibility level of the
30% water/sewer discount for low-income senior citizens.

Respectfully Submitted,

Marcia Johnson, Chairman



David B. Cohen
Mayor



Fran L. Towle
Commissioner

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

July 20, 2009

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice-Chairman*, 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*

Absent: Peter Johnson

Also Attending: John O'Connell, *Newton Police Dog Officer*, Amy Koel, *Chairman*, Dog Off-Leash Advisory Committee (DOLAC).

Commission Meeting began at 6:58 pm.

Chairman Rice announced to the audience they are welcome to listen to the meeting but there will be no comments from the audience. If there is any outbursts or disorder from the audience the meeting will be over. Tonight two new off-leash dog park sites will be presented by Chairman Koel of the Dog Off-Leash Advisory Committee (DOLAC). Abutters of the two applicant parks will be sent notification for a future meeting.

1. The Minutes from the June 15, 2009 Commission Meeting were accepted 8-0
2. Off-Leash Dog Park

Applications for off-leash dog parks

- Chairman Rice introduced DOLAC Chairman Amy Koel. Chairman Koel thanked Chairman Rice, the Commission, Officer O'Connell and the Newton Police Department.
- Chairperson Koel presented the off-leash dog park applications for Braceland Park on Chestnut Street in Newton Upper Falls and Nahanton Meadow Field at 525 Winchester Street.
- Chairperson Rice recommended notification be sent to abutters of both applicant locations for the September Commission meeting.

Chairman Rice made a motion to accept the applications and send letters to the abutters of both applicant locations for a second meeting in September. Ms. Heitman seconded the motion. Motion passed 8-0.

Cold Spring Park

- Chairman Rice opened the discussion for the off-leash dog park at Cold Spring Park. Chairman Rice asked Mr. Bernheimer for his comments.
- Mr. Bernheimer stated this meeting was scheduled because of the struggle with the off-leash dog park experiment at Cold Spring Park. An experiment is only useful if you learn from it. If we are going to have off-leash dog parks in Newton we must learn how to implement them the right way. We cannot have just one park in Newton, there needs to be several dog parks in Newton or no dog parks in Newton. The question is what have we learned and how do we apply what we have learned to other dog parks. Questions we should ask are should a dog park area be fenced, or should we charge a fee, require a license, or limit the hours of use. Chairman Rice asked Mr. Bernheimer for his recommendations and Mr. Bernheimer stated he would like to hear from the other Commission members.
- Ms. Heitman commented that the rules and regulations should be put in place and enforced before another dog park is opened.
- Mr. Magni commented fencing may not be necessary. The issue at Cold Spring Park is the dog's off-leash on the trails on their way to the dog park. Future dog parks should not be located near residential neighborhoods.
- Mr. Neville commented the Town of Brookline has done it's homework on dog parks. Brookline currently has a dog park and is two to three years ahead of Newton. Chairman Rice asked if Brookline had problems when the dog parks opened. Mr. Neville responded yes and they still have issues. Chairman Rice inquired if Brookline is charging a fee and what is the fee. Mr. Neville responded currently there is no fee for the use of the dog parks but Brookline is discussing fees around \$100-\$200. Mr. Bernheimer asked if the fee would be annual and Mr. Neville responded yes.
- Mr. Kastner stated he has visited other dog parks in Boston. These dog parks are small, fenced in, supply water for dogs and waste disposal sites. The dog parks are also considered an amenity. Mr. Kastner realizes the applicant group has good intentions but can you really expect a citizen's group to hold up an ordinance. Mr. Kastner stated there is a direct relationship to the number of signs and compliance to the rules. There are not enough signs for Cold Spring off-leash Dog Park. Fortunately, the Police have helped with enforcement but there needs to be more police involvement.
- Mr. Mottard commented in a micro sense there are issues but in a macro sense there is now a focus on Cold Spring Park creating parking and traffic issues. The micro issues are the fencing, cleanup, and enforcement. If the experiment is shutdown now there would be a blowback that would exasperate the issues. The e-mails from abutters are about the minority of owners who do not control their dogs. Mr. Mottard agrees there should be fencing. Fencing creates a membrane between the dog park and the rest of the park. Fees are a good idea and barrels' being emptied more often is also good idea. Enforcement is the key, the police have an entire city to manage and enforcement is difficult.

- Mr. Clarke commented we are committed to this experiment. He agrees with fencing the area and the fence should be paid for by the dog owners. There should also be a fee to use the dog park. Mr. Clarke stated dog parks should not be extended to other areas until the experiment at Cold Spring Park is working. If we are going to do this it must be enforced, if the dog park rules are not enforced, we should not have a dog park. Mr. Bernheimer commented enforcement is important if the city is not going to enforce the law then the whole city is an off-leash dog area. Mr. Clarke stated he lived in Washington DC near a dog park and there were never any issues because dogs remained on leash until they reached the park. Dog parks can work and enhance the community.
- Chairman Rice stated the issue seems to be the off-leash dogs going into the park. Chairman Rice asked Officer O'Connell for his comments and observations at Cold Spring Park.
- Officer O'Connell stated he and Officer Torres, the new dog officer, patrol Cold Spring Park once per shift. The Officers walk the trails and the dog park area. They patrol at different times of the day. Recently the Officers have been patrolling Cold Spring Park in the morning. The Officers are writing citations and have written a few warnings. Chairman Rice asked if the Officers patrol Cold Spring Park in civilian clothes. Officer O'Connell responded yes.
- Chairman Rice asked if things have improved in the last four weeks. Officer O'Connell responded he has seen a drop off in incidents in the last four weeks, but now the rain has stopped he will make new observations.
- Chairman Rice asked if the parking in the area has improved. Officer O'Connell stated there is less parking on Dunklee Street and Beverly Road. Last week there were ten cars parked on Dunklee Street and Beverly Road and only two cars belonged to individuals using the park. Today he wrote two parking tickets. Last week he also wrote two parking tickets.
- Chairman Rice asked if there were any changes with dogs being off-leash on the trails. Officer O'Connell responded last week he wrote two citations to repeat offenders. These individuals do not use the dog park they only use the trails.
- Mr. Bernheimer inquired how many tickets Officer O'Connell has written for off-leash dogs that makes money for the City. Officer O'Connell responded they have written five tickets in Cold Spring Park and three tickets in the rest of the City.
- Mr. Magni asked if the Officers work during the week-ends. Officer O'Connell responded yes they work a rotating schedule, four days on and two days off.
- Mr. Bernheimer asked Officer O'Connell if he had any recommendations on enforcement since we obviously do not have the man power to cover the current dog park. How will the rules and regulations be enforced at any additional dog parks. Officer O'Connell responded we will do the same thing we are doing now, random patrols. Mr. Bernheimer inquired if there is any way other people can be authorized to enforce the rules. Officer O'Connell responded no, only the Police can enforce the rules and he would not recommend anyone else confronting people on the trails.

- Mr. Neville inquired if the volume is down due to vacation. Officer O'Connell responded it could be, but he believes the mystique has worn off about the off-leash park. He has spoken with other people and they have told him because the Officers are on the trails in Cold Spring Park giving tickets they have gone to other parks, the Officers are now going to the other parks.
- Peter Kastner stated the Commission can hire Municipal Police or Park Rangers. Peter asked Officer O'Connell if this would help with enforcement. Officer O'Connell responded there is no advantage and he is not sure what a Park Ranger does.
- Chairman Rice stated when the Police are called they respond. He had an incident at Cold Spring Park with an off-leash dog owner, he called the Police and they responded immediately.
- Mr. Bernheimer commented most people walking their dog's off-leash on the trail know the rules. A Park Ranger walking the trail and handing out tickets would help. His children live in different parts of the country near dog parks. The dog parks in these areas are fenced and the leash law is strictly enforced. Mr. Bernheimer asked about the idea of restricted hours.
- Chairman Rice commented this experiment seems to be improving. There should be restricted hours and signage. A few people are spoiling it for the majority.
- Mr. Kastner stated when he visited Cold Spring Park at different times, 20-30% of the dogs were off-leash. We should discuss limiting the number of dogs allowed in the Dog Park with an individual. Chairman Rice commented there is a limit of three dogs per person. Officer O'Connell stated this rule is enforced.
- Mr. Magni is not sure we have scientific data to prove the experiment is improving. This program should be a benefit to the community. As we discuss and implement rules we need to be aware the rules will only be as good as the enforcement of the rules.
- Officer O'Connell stated the issue at Cold Spring Park is the off-leash dogs on the trails. Establishing other parks will create different issues.
- Chairman Rice asked the Commission Members if Cold Spring Dog Park should remain open.
- Mr. Bernheimer stated we should not change anything right now but we should think about the ordinance when it is ready to expire.
- Mr. Kastner stated the report from DOLAC is overdue. Chairman Koel stated the report was submitted to the Alderman in June. Mr. Kastner asked what we could do to make this situation easier for the neighbors. Picking up the trash more often would make things easier for the neighbors.
- Chairman Rice asked Commissioner Towle for her comments. Commissioner Towle stated when this item came before the Commission she had stated this needed to be a win-win-win situation. There is obviously a need for dog parks in

Newton and we must learn from this pilot project. Mistakes may be made but we must learn from them.

- Mr. Magni concurred with Commissioner Towle, there is a need and we may eventually close Cold Spring Park. We should spend our energy looking for a location where there will be no head butting between neighbors and dog owners.
- Chairman Rice stated no matter what we need more signs at all entrances of the park. Let the trial run as is and get more signs.
- Mr. Bernheimer asked who would be responsible for the signs. Chairman Rice stated Chairman Koel has signs. Chairman Koel responded she has the information for the existing signs put up in Cold Spring Park.
- Mr. Bernheimer stated let Cold Spring Park run as is, do not do anything else. Later we can decide what to do at Cold Spring Park and the other applicant parks. Chairman Rice agreed.
- Mr. Bernheimer asked if we want to charge a fee, can the Commission establish a fee, if so where would the funds go. Chairman Rice stated Commissioner Towle has information on fees. Commissioner Towle stated if you charge a fee you have to enforce the fee, meaning who is going to pay , how are you going to collect the fee and what are you going to do if someone does not pay. It is not like a class people sign up for and then attend the class. Chairman Rice asked Chairman Koel to review the idea of fees and could she speak to the Law Department. Chairman Koel stated DOLAC has already discussed fees but they would revisit the idea.
- Mr. Bernheimer stated the Commission should be investigating fees not the volunteers. Commissioner Towle stated she would like to work with the DOLAC regarding fees. Mr. Bernheimer & Mr. Kastner asked why. We have learned we cannot rely on volunteers. The Commission Members are the decision makers. Chairman Rice stated Commissioner Towle has already contacted the Law Department. Mr. Bernheimer stated we need to know how to establish a fee and how to enforce the fee. Chairman Rice requested Commissioner Towle submit a report at the September Commission Meeting regarding fees.
- Mr. Kastner stated the City has been level funded and if there is a cost to this program we should establish a fee.
- Mr. Clarke commented we will need to know what we are charging a fee for, such as a fence or enforcement. How much is the fee? Commissioner Towle commented if you charge a fee you will need someone to enforce the fee.
- Mr. Bernheimer wants to know what the fee system will look like. Mr. Clarke stated you will need to know the cost for enforcement and figure that cost into the fee. Without enforcement a fee system will not work.
- Mr. Magni commented going forward we need to give the neighbors some peace of mind. At this point the experiment is over in December. Mr. Bernheimer stated the ordinance expires in December and at that point it will be illegal to have a dog off-leash in Cold Spring Park. The decision is in the hands if the Alderman to

extend the ordinance and Mr. Bernheimer does not want the ordinance to be extended as is, he wants to see it improved.

- Mr. Neville asked a question of Chairman Koel from Alderman Yates. Has the DOLAC Report been sent to the Alderman? Chairman Koel responded yes in June. Chairman Rice asked if a report could be submitted to the Commission. Chairman Koel responded yes.
- Chairman Koel commented it would be terrific if the government got involved, the volunteers should not be responsible to establish and pay for the dog parks on their own. Mr. Bernheimer agreed. Chairman Koel stated data collection from Cold Spring Dog Park would also be helpful.
- Chairman Rice concluded the discussion and thanked Officer O'Connell and Chairman Koel.

3. Warren Street Proposal

- Chairman Rice introduced Mr. Jeff Goldman of 24 Warren Street. Mr. Goldman asked the Commission members if being part of the Commission is a volunteer position. The members responded yes. Everyone here does something for the City and it is nice to be recognized.
- Mr. Goldman has asked to install a sound barrier on the playground which abuts his property located at the end of Warren Street. The purpose of the sound barrier is to reduce the noise coming from the MBTA train tracks. Mr. Goldman began by asking how the sound barrier benefits the city:
 - Putting in a sound barrier is not setting a precedent for others to install sound barriers
 - He has offered to pay for the maintenance of the playground fields
 - He is relocating the utility lines underground, at his own expense, which benefits the City.
 - There is no negative impact from the sound barrier to anyone.
 - The question is how the construction will affect the area. Mr. Goldman stated he is not Engineer and is not sure how the barrier would be built but the construction would be sensitive to trees and wildlife.
- Chairman Rice asked Commissioner Towle for her opinion on the sound barrier. Commissioner Towle commented, as stated in the memo from the Law Department that was submitted to the Commission during the May 2009 meeting, before a vote is taken the members must determine the benefits of the sound barrier to the park. When the vote is taken the benefits of the barrier must be listed along with the vote. It is strictly the benefits of the barrier and not everything that comes with it that is to be voted on. Commissioner Towle stated the only benefit she sees is some muting of the train track sounds, but there is noise all around the City in all

the parks from trains, traffic and children playing. The Commission Members must decide how important it is that the barrier mute the train sounds in the park.

- Chairman Rice commented the benefit of the barrier would be nil compared to the noise from the surrounding traffic. This wall becomes a model for everyone else that would like a barrier in their neighborhood. But Mr. Goldman is different because he is willing to pay for the barrier. Others will not want to pay for a barrier.
- Mr. Mottard stated he has two viewpoints on the barrier. In opposition of the barrier, the noise from airplanes taking off and the noise from traffic are more intrusive than the sounds from the trains. On the other side, the barrier is a small concession compared to the benefits to the city such as the planned parking and maintenance of the grounds. Commissioner Towle repeated that those benefits cannot be considered when voting on the barrier, the benefits of the wall itself is all that can be considered. Mr. Mottard commented it is difficult to separate the entire project.
- Mr. Clarke commented there is no benefit. A 500' obstacle in the middle of the park is unattractive to park users and train riders.
- Ms. Heitman stated she is torn regarding the sound barrier. She commends Mr. Goldman for what he is trying to do and then there are the legal guidelines from the Law Department. Following the legal guidelines the barrier would have a negative impact on the park.
- Mr. Magni commented the intrusion of the wall is not worth the periodic sound from the train.
- Mr. Neville commented the barrier would hinder the park.
- Mr. Kastner commented the barrier is not an improvement to the park.
- Mr. Bernheimer has nothing to add.
- Mr. Goldman commented the length of the sound barrier was the idea of the Engineer and he would be willing to change the length going into the woods.
- Alderman Baker asked if the Commission has seen the aerial site photo. Chairman Rice replied yes. Alderman Baker commented Mr. Goldman has done a lot of work in the area, but he agrees with Commissioner Towle, the Commission must follow the guidelines from the Law Department.
- Jane Sender from the Newton Conservators commented private investments on public land should be held to a higher standard. There should be no private building on public space.
- Mr. Mottard commented knowing now what he already should have known, he cannot support the sound barrier in the playground area.

Mr. Clarke made the motion not to permit the wall on Warren Park Land. Chairman Rice seconded the motion. The Motion passed 8-0.

- Commissioner Towle inquired what Mr. Goldman is going to do with the road. Mr. Goldman stated the road will remain as is he is not making any changes.
- Alderman Baker commented there is currently a gravel surface on the road. When the house construction is completed will the road return to its original condition. Mr. Goldman confirmed the road would be returned to its original condition.

4. Administrative Business

- At the request of the City Clerk's Office, the "City of Newton Appointed Committee Handbook" was passed out by the Commission Secretary to all Commission Members present. All members present signed the back page signature card of the handbook, as instructed. The Commission Secretary agreed to turn in the signed signature cards to the City Clerks Office Tuesday, July 21, 2009.

Meeting adjourned at 8:30 pm.

Respectfully submitted:

Robin McLaughlin, Secretary

David A. Olson

From: Ken Parker <ken@kenparker.org>
Subject: Re: (Fwd) city/town proclamation
Date sent: Wed, 2 Sep 2009 08:43:48 -0400
To: dolson@newtonma.gov

Hi David,

Thanks for sending this along. I would be happy to co-sponsor this proclamation.

Ken

Alderman Ken Parker
ken@kenparker.org
(617) 275-3040

+ Ald. Hess-Mohan

Sargiolo
Fischman
Leman
Schnipper
Pates
Arney

On Sep 2, 2009, at 8:21 AM, David A. Olson wrote:

Aldermen,

Would anyone like to sponsor the following resolution?

David

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

From: "Nancy" <cocobear710@comcast.net>
To: <dolson@newtonma.gov>,
<psweeney@newtonma.gov>,
Subject: city/town proclamation
Date sent: Tue, 1 Sep 2009 20:32:06 -0400

Dear Mayor, City, or Town Representative.

On May 1, 2009, Silver Star Families of America and over 1300 cities help to honor our wounded and ill military veterans by showing

appreciation
for their sacrifices on Silver Star Banner Day. We have just had the
State of Missouri make Silver Star Day a law, signed by MO.
Governor Jay
Nixon on June 26th, 2009. We now have over 2400 cities and
counties and
1844 of those are permanent. Many more cities wanted to sign
proclamations, so we are starting again. We will continue to contact
Mayors, Cities, Town and County Representatives and will accept
signed
proclamations year round.

You may sign annual or permanent proclamations. By signing on
permanent it
would mean you would not be asked again as the community is
saying they
plan to honor them from here on out. You are receiving this letter
because
either your town's proclamation was not received last May or it was
signed as an annual proclamation. Our veterans should be
recognized
through their local areas(or communities-- in place of local areas),
local organizations, and the media, that we have not forgotten that
they
have made personal sacrifices on our behalf, and that is why we are
continuing to send out letters and proclamations.

One other note, when May 1st arrived this past spring Massachusetts
had
the most cities, towns, and counties with signed proclamations. That
was
a great show for our state and a great honor for our state veterans. I
will also be contacting our representatives asking about it becoming a
law
in our great state, that would be a great achievement. I know all cities
and towns accept our wounded and ill, now to let them know we
honor them
would be fantastic.

There are tens of thousands (of) veterans that have returned home

wounded in one manner or another. That count only includes the current wars in Iraq and Afghanistan, we want them all recognized, including all those injured or ill from previous wars. There are visible wounds and invisible wounds and illnesses directly related to their wartime service. We need to let them know they are (always remembered) not forgotten.

The not for profit 501c3 organization: www.silverstarfamilies.org supports and recognizes the wounded and ill veterans.

A sample of the proclamation is (included in) this letter. You may make changes to fit your own situation for your area. To see more information on Silver Star Banner Day please go to: <http://www.silverstarfamilies.org/SilverStarBannerDay2009.html> there you will see who has signed from your State.

The United States Conference of Mayors, the League of Cities, and the National Association of Counties, along with many organizations are supporting this effort.

If you choose to sign, which we hope you do, please send your proclamation to either the organization's founder:
Steve Newton, Founder SSFOA, 525 Cave Hollow Rd, Clever, MO. 65631

or myself:
Nancy Spoerke, 88 Francine Drive, Brockton MA 02302

We, as an organization, thank you. I personally wish to thank you.

Kind Regards

Nancy Spoerke

Please see attached sample proclamation..

Silver Star Banner Day CITY Proclamation or Resolution

WHEREAS, the City of _____ has always honored the sacrifice of the men and women in the Armed Forces and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star (Service) Banner and Flag and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star(Service) Banners to the wounded and their families, and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of this City and Country with Silver Star (Service) Banners, Flags and care packages, and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star (Service) Banner in a window or a Silver Star (Service) Flag flying, that people remember the (sacrificed) for this City, State and Nation and

WHEREAS, the people and the Board of Aldermen of _____ wish that the sacrifice of so many in our Armed Forces never be forgotten

NOW THEREFORE, the Board of Aldermen OF _____ do hereby proclaim

Our appreciation of The Silver Star Families of America and honor their commitment to our wounded Armed Forces members. We hereby declare May 1st "SILVER STAR BANNER DAY" the annual/permanent and official day to honor the wounded and ill Soldiers of the City of _____.

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

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David A. Olson
City Clerk/Clerk of the Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459
617-796-1200

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A RESOLUTION CALLING FOR ENDORSING REPRESENTATIVE BARNEY FRANK'S PROPOSAL FOR A 25% REDUCTION IN THE MILITARY BUDGET

1. **WHEREAS**, Our country is in need of good governance, and its bloated military budget is an example of endemic poor governance, and
2. **WHEREAS**, The military budget doubled during the Bush presidency to an amount equal to the military budgets of the rest of the world combined, and
3. **WHEREAS**, The military budget is much larger than is necessary for the legitimate defense needs of the nation, and
4. **WHEREAS**, The military budget excesses take money away from Newton schools and essential human services programs,

THEREFORE, BE IT RESOLVED that the Newton Board of Aldermen

1. **endorses Representative Barney Frank's proposal to reduce the military budget by 25%**
2. **endorses the goal of using the reduction in military spending to fund programs to meet the needs of the people of Newton and of the United States**
3. **endorses the goal of using the reduction in military spending to meet the needs of returning armed forces personnel and veterans**
4. **endorses the goal of continuing to reduce the budget until it has shrunk to the amount necessary for the purposes of legitimate defense of the United States.**

BE IT FURTHER RESOLVED that the Newton Board of Alderman shall send copies of this resolution to:

President Barack Obama, Secretary of Defense Robert Gates, Secretary of State Hillary Clinton,

All members of the Massachusetts Congressional and Senatorial delegation, Governor Deval Patrick, Mayor David Cohen and to the Newton TAB, the major Boston-area newspapers and television stations.

09 JUN -8 PM 2:55
CITY CLERK
NEWTON, MA. 02159