

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 23, 2009

Present: Ald. Johnson (Chairman), Freedman (Vice Chairman), Baker, Brandel, Hess-Mahan, Merrill, Parker and Sangiolo

Also Present: Ald. Albright, Fischman, Mansfield, Vance, Danberg and Swiston

Others Present: John MacGillivray (Veteran's Agent), Jane Brown and Gerald Manning (Newton Dialogues for Peace), Fran Rice (Commissioner, Parks & Recreation Commission), Kathy Heitman (Member, Parks & Recreation Commission), Fran Towle (Commissioner, Parks & Recreation Dept.), Bob DeRubeis (Deputy Commissioner, Parks & Recreation Dept.), Officer O'Connell, Officer Torres (Animal Control Officers), Amy Koel (Dogs Off Leash Advisory Council), Karyn Dean (Committee Clerk)

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]

ACTION: **APPROVED 6-1-0 (Ald. Freedman abstaining; Ald. Parker not voting)**

NOTE: Ald. Baker said that Mr. Lohr has been quite diligent in his duties as a Trustee and he moved approval. The Committee voted in favor.

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]

ACTION: **APPROVED 6-0 (Ald. Hess-Mahan and Parker not voting)**

NOTE: The Committee voted to approve Mr. Staulo's reappointment.

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]

ACTION: **HELD 7-0 (Ald. Parker not voting)**

NOTE: The City of Newton ordinances require that members of the Newton Youth Commission serve no more than 2 terms. Mr. Sack has served 2 terms and is therefore ineligible for this re-appointment. The Committee voted to hold the item. The Mayor and Bev Droz, Director of Human & Volunteer Services, will be notified.

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]

APPROVED 7-0 (Ald. Parker not voting)

NOTE: Mr. DeVito will begin his 3rd term with this re-appointment. Because he is serving as Chairman, the City of Newton ordinances allow a third term to be served. The Committee voted in favor of Mr. DeVito's reappointment.

#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]

ACTION: **HELD 8-0**

NOTE: Ald. Johnson reminded the Committee that they discussed this item two weeks ago when the Dogs Off Leash Advisory Council (DOLAC) submitted their report. There were several follow up items that came out of that discussion. They wanted to hear from Fran Rice and Fran Towle regarding process and to have Officer O'Connell's point of view on enforcement efforts. The Committee also wanted to involve Marie Lawlor, Assistant City Solicitor, but she was unable to attend the meeting.

Trail

Ald. Johnson asked Fran Rice to verify that the application for Cold Spring Park included just the area known as "Old Cold Spring" for the off leash area and not the trail. Mr. Rice said that was correct. Ald. Johnson said that many of the concerns from the abutters of Cold Spring Park have arisen from violations on the trail. The trail includes a life course and is also used by the high schools for cross country practice. Ald. Johnson pointed out that the trail, regardless of the dog park, is under the purview of Parks & Recreation, and she wondered how they might be able to get violations there under control. Fran Towle said it was an enforcement issue and that the Animal Control Officers were doing all they could, but personnel was limited. Mr. Rice thought a higher fine for violations might be effective. Signs were never put on the trail since the dog park did not include the trail. There are signs posted at the entrance to the trail, and Mr. Rice said they could post more on the trail itself. Ald. Hess-Mahan wondered if banning dogs from the trail entirely would help the situation. Officer O'Connell said restricting dogs from the trail would force them to use the only other entrance and that would cause a density and congestion problem there. Ald. Brandel agreed it was an improbable

solution. He wanted to encourage people to use the Plymouth Street entrance since there were no homes there. Officer O'Connell said he has seen more cars on Plymouth Rd lately. The idea of permit parking was raised, however, Traffic Council just put in parking restrictions on Dunklee and Beverly Road and as a policy, they like to wait a year before making further changes.

Officer O'Connell gave an overview of enforcement efforts and it is attached to this report. He said he felt conditions were improving.

Dog Fines

Marie Lawlor was doing some research on the extent to which Newton could raise fines on dog violations. The Committee Clerk followed up on this after the meeting and the opinion of Ms. Lawlor was that dog fines could be set up to \$300. Ald. Johnson asked the Animal Control Officers if they felt steeper fines would encourage compliance. Officer O'Connell said it might get their attention but wasn't sure it would have much of an overall effect.

Resources and Oversight

Ald. Albright said she felt the DOLAC had reached its limit in volunteer time. They really needed support and input from Parks & Recreation and the Planning Departments to identify sites and plan appropriately. The DOLAC has learned through their experience with Cold Spring Park that they do need to involve the neighbors at an earlier stage. In the meantime, she wanted to get some new parks open in order to get a fuller evaluation. Ald. Sangiolo felt that unless there was a commitment of resources from the City, it did not make sense to extend the ordinance. She wanted to work on making it more effective. Ald. Brandel agreed and felt it made sense for Parks & Recreation to be the umbrella department for this effort. He thought the quasi-official role the City was taking was confusing and irresponsible; it should be more committed. Ald. Brandel said there needed to be a comprehensive plan including sites, staffing, oversight and funding. This would include a plan with costs attached for each park. Ald. Freedman would also like to see the funding part of this explored more carefully. Ald. Albright explained that the Brookline program stated that their costs were just a few trash cans.

Ald. Johnson pointed out that parcels of land can be under the jurisdiction of the Parks & Recreation Dept., the Department of Public Works, or the Conservation Commission. Therefore, she felt the Planning Dept. should be the umbrella agency. Ald. Hess-Mahan said they were going to need the support of the incoming Mayor as he or she would be the one to allocate the resources. Ald. Albright agreed.

Alternative Sites

Mr. Rice said that Norumbega is being used as an unofficial dog park. He wondered if the Board could recommend that the Conservation Commission designate it as a park and then it could be used as an official off leash area. Since there were little or no residential neighbors to consider in that area, it would speed up the process and not be bothersome to abutters. It would take the pressure off Cold Spring Park. Ald. Albright said that Norumbega has an application in and will likely be approved at the next meeting. It can

then go to the Conservation Committee for their review. Mr. Rice said he has driven around the City with Ms. Towle and Bob DeRubeis trying to find suitable parks for off leash dogs and the choices were challenging. Ald. Johnson noted that off leash dog areas don't necessarily have to be in established parks. There could be other parcels of land around the City that could be suitable.

Ald. Albright said they have decided to identify all the green spots throughout the City. Then they would work with the Police Dept. to determine where dogs should not be due to public safety issues. They could then hone in on about 25 places throughout the City as possibilities with the hope of getting people to come forward to support them. She said they do get some support staff time from the Planning Dept. but could use a little more to undertake this survey.

Ordinance Amendments

Ald. Parker felt a problem in the ordinance was the unfair burden on the dog owners to make them the applicants for off leash areas. He felt this set the dog owners against the abutters and was a negative dynamic. A needs evaluation done by the city would be the fairer solution. He wanted more parks online within a certain timeframe because the single burden upon Cold Spring Park was unfair. Ald. Parker also suggested having use of the park restricted to Newton residents, proven by a Newton dog license. He also believed in having the off leash areas fenced in for everyone's benefit. Ald. Hess-Mahan felt fencing should not be a requirement but looked at on a case-by-case basis. Ald. Freedman agreed. Ald. Parker wanted a public hearing. Ald. Brandel would like to see an amendment that required the applicant to be an abutter of the proposed area; having costs attached to each park; and oversight from the Parks & Recreation Department.

Ald. Baker would like to approve the extension as proposed by the docketers. He liked the model that Newton was using because it involved the residents more directly. He noted that amendments can always be addressed at any time in the future. He also felt that the public had been heard on this subject and didn't feel that a public hearing was necessary at this time.

Neighborhood Group

Ald. Johnson recommended that a neighborhood group be assembled to discuss and work through the problems at Cold Spring Park. She also suggested researching the practices of other successful communities and doing some benchmarking. This information can help bring about the changes that need to be made. Ald. Mansfield agreed but wanted improvements at Cold Spring Park to be implemented within 2 months. He said he couldn't support extension of the ordinance until there were some positive improvements.

Cold Spring Park Extension Decision

Mr. Rice pointed out that the Parks & Recreation Commission will be making an independent decision about extending the pilot program at Cold Spring Park on December 3, 2009. The ordinance is separate from this. If the ordinance is not extended,

then Cold Spring Park dog park will end, but if the ordinance is extended, it doesn't necessarily mean Cold Spring Park dog park will continue.

Public Comment

Lee McIntyre, 607 Commonwealth Ave. Mr. McIntyre is one of the applicants for the Cold Spring Park off leash area. He said that it would be possible to raise money for a fence at Cold Spring Park but not if they think it might be closed in a year.

Ann Dorfman, 9 Henshaw St. Ms. Dorfman was pleased to hear that the tone from the Board was much more cooperative and positive than in the past. She said that every other community she researched had city staff supporting the effort and moving new projects along quickly with the input of dog owners. She also hasn't seen the burden put upon the dog owners to find and sponsor sites in other communities. Somerville and Cambridge are working well and she suggested Newton call them.

Peter Harrington, 157 Lowell Ave. Mr. Harrington is an attorney representing several neighbors of Cold Spring Park. He said his clients felt disenfranchised because they were never included in the process. They would like the pilot program to be suspended for 6 months to re-evaluate the process. He would like a cost estimate for a fence around the area. He believed there would be an order to close the off leash area at Cold Spring Park by January 1, 2010.

Bob Stock, 43 Beverly Rd. Mr. Stock said the problems at the park are overwhelming to the abutters and they were never included in the process. He believed there would always be a problem with noncompliance of the rules by some dog owners. He felt the feedback from his community was going unheard and having just one park put an unfair burden on them.

Don Fischman, 68 Littlefie Rd. Mr. Fischman said this has been a good experiment and the dog owners are policing themselves. He sees improvements all the time. He suggested some landscaping around the most affected homes. He felt it was time to move forward.

Eve Cohen, 47 Beverly Rd. Ms. Cohen felt nobody was listening to the people who live in the area and are negatively affected. She felt the DOLAC did not listen to their own recommendation to not open just one dog park. She agreed with the concept of dog parks but Cold Spring Park was not done in the right way. She asked that it be suspended and that the whole program be restructured correctly for everyone's benefit. She noted that the person who suggested Cold Spring Park lives in Chestnut Hill – nowhere near the park.

Follow Up

Ald. Johnson would like to hold this item with no contingencies. She would like to collect any serious suggestions and amendments and discuss this again at the October 21 Programs & Services Committee meeting. Ann Dorfman and Lee McIntyre submitted suggestions and they are attached. She would like the Neighborhood Liaison committee

to be put together immediately and looked to the Ward 6 aldermen to work on that. She said it should include abutters and dog owners, most specifically dog owners that live in the neighborhood. Ald. Fischman suggested that the DOLAC meet and come back with some suggestions as well. Ald. Sangiolo asked that a revolving account be set up to collect any donations for fencing or other improvements for the dog parks.

Ald. Albright said that the timing was crucial. The Parks & Recreation Commission and the Conservation Commission will be hard pressed to make decisions on new parks not knowing if the program would be continued. She hoped decisions could be made quickly.

The Committee voted to hold this item and take it up at the October 21 meeting.

#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]
HELD 7-0 (Ald. Parker not voting)

NOTE: Ald. Sangiolo explained that the idea behind this item was to have a rotation of leadership that included more members of the Board. She noted that some chairmen have been in place for many, many years. Ald. Johnson said she did not have a particular number of terms in mind and that it was up for discussion. She suggested three consecutive terms as a place to start. The restriction would apply to specific committees, not to chairmanships in general.

Ald. Baker said it was quite challenging to appoint committees and chairmen to suit members' preferences and areas of expertise and interest. Each member serves on 3 standing committees. He was concerned this may force some assignments that are not compatible with people's desires and that wouldn't benefit anyone. Ald. Johnson said she understood the challenges, but felt they were solvable with 24 people to work with. Ald. Sangiolo said it would be easier on the President to make chairmanship changes without the pressure of the political status quo. She felt that anything that could encourage movement was good. Ald. Johnson suggested that the limit on terms could begin with the passage of this item and disregard the terms that have been served to date; or they could count all terms already served and make changes starting this new year as appropriate. Ald. Brandel did not agree with starting the clock anew. He suggested taking into account one or two terms of past history at least, if not all. Ald. Freedman agreed. He was concerned that starting the clock anew would bring all chairmanships to a change at the same time which may not be prudent.

Ald. Freedman moved to hold the item and the Committee voted in favor.

#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]

APPROVED 6-0 (Ald. Baker and Freedman not voting)

NOTE:

Introduction of New Veterans Agent

The Committee welcomed Mr. MacGillivray as the new Veteran's Agent for the City. Mr. MacGillivray said he served in the Marine Corps from 1968-1970 and has been the Veteran's agent in Natick for 19 years. During his tenure in Natick, he served as Director of Citizen's Information, served on the Commission on Disabilities and was the ADA compliance officer. He also hosted a cable TV show twice a month. He said he was very excited to come to Newton as the Veterans Agent. He was also looking forward to the licensing aspect of this job because it will be something new for him. Ald. Johnson suggested that Mr. MacGillivray attend the public hearing on the meals tax on September 30.

Silver Star Banner Day

Ald. Parker explained that this item was brought to the attention of the Board by the Clerk, David Olson. Mr. MacGillivray thought the concept behind the movement for a Silver Star Banner Day commendable. He felt that attention and compassion should be brought to the families of the wounded. The concern he has heard from other Veteran's Agents and groups around the state is that the designation of "Silver Star" is used. He explained that the Silver Star is the 3rd highest decoration one can receive for bravery. This particular movement is not for bravery, but for the ill and wounded. Ald. Brandel suggested changing the wording. Mr. MacGillivray explained that this is a nationwide organization and the name is unchangeable and does not keep him from supporting this. The Silver Star group considers the name a reflection of the shining service given by the soldiers. In a meeting he recently had with Iraq and Afghanistan war veterans groups, he heard support for the concept as well.

The Committee voted to approve this resolution.

#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]

ACTION: **HELD 8-0 and REFERRED TO RULES SUBCOMMITTEE**

NOTE: Ald. Johnson would like to move this item to the Rules Subcommittee for future discussion. The Committee held the item and voted in favor.

#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]

ACTION: **APPROVED 5-1-0 (Ald. Brandel abstaining; Ald. Baker and Freedman not voting)**

NOTE: Ald. Hess-Mahan noted that Newton Dialogues for Peace asked him to docket this item for consideration. Jane Brown and Gerry Manning from Newton Dialogues for Peace addressed the Committee. Mr. Manning read a statement:

“The United States spends as much on it’s military as the rest of the world combined. Our Navy is equal in size to the 11 next largest navies in the world combined. To the detriment to the reputation of the United States, we maintain 800 military bases in all parts of the world. While Congress debates whether the country can afford a trillion dollars over the next ten years for healthcare, that same Congress routinely spends nearly a trillion dollars each year on the military which is ten trillion dollars over ten years. While the City of Newton worries whether it can afford a state-of-the-art high school, the Navy sails in its state-of-the-art destroyers seeking in vain for enemy battleships to destroy; the air force flies its stealth bombers with no enemy radar to hide from. Newton Dialogues has formulated a petition worded similarly to the resolution before you to the effect that military spending be cut to an amount consistent with any reasonable definition of national security including, of course, the well-being of our service men and women. One thousand people, nearly all from Newton, have signed this petition, some with the comment that it is never going to happen. We hope that you, the Aldermen, will take another small step toward making it happen by passing the resolution.”

Jane Brown said this item was reflective of Barney Frank’s position. She said Newton Dialogues for Peace has collected signatures around the City and has found much support. Ald. Hess-Mahan noted that this proposal was not meant to cut budgets for military personnel - this was about cutting earmarks and unnecessary pork. Ald. Hess-Mahan felt Barney Frank was undertaking this effort in good faith to help the country recover from the serious financial distress it has been under.

The Committee voted to approve this resolution.

Meeting adjourned.

Respectfully Submitted,

Marcia T. Johnson, Chairman

9/7/2009

Police Department Summary Cold Spring Park

Enforcement

(Data since the park opened 3/19/09)

157 directed patrols (to 1200 Beacon, the off-leash (OL) area, the neighborhood, the trails)

29 citations

Numerous warnings

This includes:

Three people from out of town - two were walking Newton dogs

Three citations in the neighborhood

The Officers were in plain clothes 7 times, on the trails, the OL area and the neighborhood

There have been no reported dog bites in the off-leash area. There was one unreported bite at 1200 Beacon St.

There has been an increased load in calls.

History

There have been dogs on the OL field and on the trails for 20 or 25 years.

Not a great deal has changed since the park was made legal.

Trails vs. Field

There are, in general, still two distinct groups, one using the trails and one using the field.

Evaluation

(Except as noted, comparisons are to November/December 2008 and March 09.)

There are fewer dogs (on and off leash) on the trails, at 1200 Beacon St., on the baseball diamond near the OL area, and in the neighborhood.

In March there were many dogs in the area of Beverly and Duncklee ST. off leash. There has been a reduction since then.

There is more compliance (i.e. more dogs are leashed on the trails and in the area of Beverly and Duncklee).

There are more dogs on the OL field.

There is a higher degree of compliance with licensing on the OL field.

There has been no detrimental impact on the OL field.

The park is not overcrowded.

It is not perfect; there are still off-leash dogs in the neighborhood and on the trails.

Relationship with Dog Owners

The Animal Control Officers now have a good working relationship with the dog owners at CSP.

They are a resource and can be helpful if there is an altercation or if the Police Department needs information. Before the park was legal, owners would scatter when officers arrived. There was a potential for injury. Now, people in the OL area and on the trails don't run. There is greater awareness of the rules.

Other Parks

Establishing other parks would be helpful. We will evaluate these, looking at: compliance, usage and complaints.

Some people who have been using the trails are leaving the CSP trails for other parks due to greater enforcement.

The Police Department is doing spot checks at other parks as well as CSP.

Fencing

The Animal Control Officers are not observing an issue with dogs leaving the OL area where the dogs would be contained by a fence. The major issue is with dogs off leash on the trails.

Parking

Parking has been one of the more pressing problems reported in the area of Beverly and Duncklee Streets and the source of many complaints. In June, the abutters of CSP petitioned the Traffic Council for parking restrictions, which were approved. The Police Department continues to get calls for parking violations on a daily basis.

Extensions

With the CSP OL area expiring in December and the ordinance sunseting in December, opening more OL areas would be desirable. It is premature to close CSP without seeing the impact that more parks would have and the OL area is reducing the amount of off-leash dogs at 1200 Beacon ST and on the trails.

Karyn Dean

Date sent: Thu, 24 Sep 2009 22:02:20 -0400
 To: cmerrill@newtonma.gov,
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 From: Lee McIntyre <leemcintyre@rcn.com>
 Subject: Comment on restrictions at Cold Spring Park
 Copies to: ruth@ruthformayor.com,
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09 SEP 25 AM 10:38
 CITY CLERK
 NEWTON, MA. 02159

Dear Members of the Programs and Services Committee:

Thank you for considering the extension of the dogs off-leash ordinance at last night's meeting. Even though Cold Spring Park wasn't officially on the agenda, it was much discussed and I would like to take this opportunity to weigh in with a few thoughts.

Last night it was said that Cold Spring Park needs to be "fixed." But, as we heard in the testimony from Animal Control Officer John O'Connell, the off-leash area is not broken. The dog owners who use the field have been very compliant with the rules and there have been no serious complaints or infractions since the off-leash area opened in March 2009.

By contrast, the trails that encircle Cold Spring Park have been a major source of abutter complaints.

As you heard last night, Officer O'Connell said that leash compliance *even on the trails* has improved dramatically since the off-leash area opened, so clearly we are having some good effect even on areas that are not under our purview. Nonetheless the abutters have continued to complain that things are worse than ever at Cold Spring Park.

In addition to the testimony of Officer O'Connell, there are several reasons to doubt the assertion that things at Cold Spring Park are worse now than they were before the off-leash area opened. And, in fact, there are several reasons to think that things are better.

First, there is extensive testimony that is on the public record from the Parks and Recreation meetings held on September 15th, October 20th, and November 17th, 2008, that documents numerous abutter complaints about dogs using the park for many years before the legal off-leash area opened. As everyone knows, there have been off-leash dogs on the old ball field (and on the trails) at Cold Spring Park for 25 years. The abutters' claim that it was peaceful before the off-leash area opened is quite simply fiction, easily belied by their own testimony.

Second, the complaints that the abutters have raised about the off-leash area since the legal off-leash area opened have all been addressed in the last few months. As we learned from Officer O'Connell's report:

—there is no longer a major problem with people opening their car doors on the intersection of Beverly

and Duncklee and letting their dogs run free into the park.

—the problem of people walking their dogs off-leash up the access road to the off-leash area has been radically diminished.

—the off-leash area and the access road are extraordinarily clean and free of dog waste.

—complaints about parking congestion in the neighborhood have been largely solved by a city parking restriction that the proponents of the off-leash area supported.

What are the remaining neighborhood complaints about the off-leash area? Largely that it exists. The neighbors of Cold Spring Park have said that they are not against off-leash parks in principle, yet the sole remedy that they have recommended to “fix” Cold Spring Park is that the off-leash area be closed. In a widely circulated email today, one of the abutters has said that he feels entitled to be “enraged” that people from outside his neighborhood have proposed and are using a city park. He also said that he feels betrayed by the process. Please note that neither of these complaints have anything to do with violations by dog owners.

There are also continued complaints about off-leash dogs on the trails but, as clearly stated in Officer O’Connell’s report, these have virtually nothing to do with the off-leash area. There are two distinct subcultures of dog owners at Cold Spring Park: the field users and the trail users. It is a mistake to think that the applicants for the legal off-leash area on the field have control over the trail users. In fact, it is important to note that some trail users are actively hoping that the off-leash experiment at Cold Spring Park fails, so that they can return to using the trails with less scrutiny.

Given these facts, it is highly doubtful that the problems at Cold Spring Park can be “fixed” by additional restrictions on the legal off-leash area.

Last night, two possible restrictions were discussed, and I would like to discuss each of them in turn.

First, limited hours. It is true that limited hours may work well at some parks in Newton, but there is good reason to believe that this would not solve the problems at Cold Spring Park. In fact, there is good reason to believe that it may make the problems there worse. For one thing, there is the very real issue of non-compliance. As previously noted, there have been off-leash dogs at Cold Spring Park for 25 years. It is therefore doubtful that when the law-abiding (and self-policing) dog owners disappear, there would be full compliance with the restrictions for limited hours. What would this lead to? The neighbors would remain unhappy, they would continue to call the police on a regular basis when the restricted hours were violated, and the Animal Control Officers would thus inherit a problem of enforcement that is even more difficult than the one that they now face.

An even bigger problem, however, is that limited hours on the field would do *absolutely nothing* to curb the behavior of people who currently walk their dogs illegally on the trails. If these dog owners don’t currently obey the leash law, who would expect that they would obey limited hours?

The end result of any attempt to limit hours at Cold Spring Park (beyond the current park-wide restriction of dawn to dusk) would be to create an unenforceable mess, where the abutters remained upset, the police were demanded to do more, and the law-abiding dog owners on the field would be punished with restrictions that seem arbitrary and ineffective.

A second proposed restriction mentioned last night had to do with a fence around the off-leash area. It is important to note that very few of the neighborhood complaints have been concerned with off-leash dogs escaping from the field. The off-leash field is large, isolated, and bounded on three sides by a ring of trees along the hills. A runaway dog would have to escape and run a good 100 yards up the access road before it made it into someone’s backyard. I am not saying that this has never happened in the history of the dog park, but it is exceedingly rare.

The more pressing argument against a fence, however, is that it would (again) do nothing to solve the problem of off-leash dogs on the trails. The owners of these dogs intentionally go to the trails. They are not heading to the off-leash area. So how could a fence possibly contain them?

I believe that there are, however, two possible restrictions/amendments that might improve the situation at Cold Spring Park, and therefore might be welcome to the abutters.

(1) It was suggested last night that users of the off-leash area might be encouraged to park on Plymouth Road, rather than in the Beverly/Dunklee area. This is an excellent suggestion. I myself have been parking on Plymouth for the past two weeks and have noted that it is just as close to the off-leash area as the Beverly/Dunklee neighborhood. As noted, a signal virtue of parking on Plymouth is that there are no abutter houses for a very long stretch, such that we could park up to twenty cars along the road without disturbing anyone.

(2) One might consider building a fence along the backyard of the abutters' houses. I've noted that some of them do not have a back fence, which surely exacerbates the problem of unleashed dogs from the trails wandering into their yards. If they do not like fences, perhaps shrubbery would be a suitable substitute. I would be happy to coordinate fund raising for this purpose, if it would lead to an improved situation.

As you can see, all reasonable evidence shows that the off-leash area at Cold Spring Park is working well and does not need to be "fixed." The problems that remain with dogs loose in the park can be addressed through measures that do not punish or encumber the dog owners who have shown good cooperation and behavior over the last nine months of the off-leash experiment.

Thank you.

Lee McIntyre
Friends of Cold Spring Off-Leash Area

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Karyn Dean

Date sent: Fri, 25 Sep 2009 10:17:26 -0400
To: kdean@newtonma.gov
From: Lee McIntyre <leemcintyre@rcn.com>
Subject: follow up to Programs and Services

09 SEP 25 AM 10:38
CITY CLERK
NEWTON, MA. 02159

Hi Karyn,

Thanks for your patience. I was hoping to be able to get you actual copies of the relevant public testimony at the Parks and Recreation Commission meetings for September 15th, October 20th, and November 17th 2008, but I failed to do so. In any case, these are the dates of the relevant meetings, when the abutters to Cold Spring Park made public testimony about how awful their lives were due to dogs in Cold Spring Park *before* the legal off-leash area opened. I hope that you might be able to obtain these records yourself, as I think they would be very interesting for Alderman Johnson to have as she is assessing Bob Stock's claim the other night that everything was "peaceful" in the neighborhood before the off-leash area was designated.

Thank you so much.

Best,

Lee McIntyre

Lee McIntyre
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<http://mitpress.mit.edu/catalog/item/default.asp?ttype=2&tid=10966>

Karyn Dean

Forwarded by: "David A. Olson" <dolson@newtonma.gov>
 Forwarded to: kdean@newtonma.gov
 Date forwarded: Fri, 25 Sep 2009 11:33:43 -0400
 From: "Ann Dorfman" <dorfmanann@comcast.net>
 To: <dolson@newtonma.gov>
 Subject: Cold Spring Park usage study
 Date sent: Fri, 25 Sep 2009 11:18:26 -0400

09 SEP 25 PM 12:35
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David,

I have sent the email and attached documents to all members of the Board of Aldermen. I thought I should send a copy to you as well for your records.

Ann Dorfman

<<...>> <<...>> <<...>>

Dear Aldermen and Park and Recreation Commissioners,

As many of you know I have been lobbying for the city to provide dog owning residents legal access to public space for off-leash recreation for the past 12 years. I did not serve on the original Off-Leash Task Force, and because I was not comfortable with the ordinance requiring applicants to come forward with proposals for off-leash areas I chose not to serve on the Dogs Off-Leash Advisory Committee (DOLAC). However, I have followed the progress of this initiative closely and with great interest and have been saddened by the problems experienced at Cold Spring Park and disappointed that Newton's entry into meeting the needs of what is a very large constituency has been so rough. During the time Newton has implement one pilot program, off-leash areas have be successfully implemented in neighboring cities with far less open space to share. Somerville has created two off-leash areas and has two more in the works, and Cambridge has created five. Brookline has continued with its 13, and of course across the country hundreds, if not thousands have been created in communities large and small. It is my hope that we can get Newton back on track to providing Newton dog owners with safe and legal access to public space to enjoy with their dogs off-leash.

I have been following the controversy over Cold Spring Park, and, I don't know about you, but I found it very difficult to figure out what was going on. We've all received many stories and anecdotes but I didn't have the information to figure out the big picture and how the information I was receiving fit in. For this reason I organized a few volunteers over the past month to document usage at Cold Spring Park. Over a period of six days we spent 34 hours sitting inside the park on a chair at the intersection of the fitness trail and the access road to the pilot off-leash area and documented everybody that went through the intersection. With the information we collected I now feel I have a much better understanding of how the park is being used--how many people use the park, what percent of users have dogs, what percent are runners, how many people enter the park with dogs off-leash, how many people are using the off-leash area, how many dog owners continue to use the trails with dogs on-leash and off-leash, etc.

I have attached three brief documents for you with the results of the study; a one page explanation of the study with highlights (which I suggest you read first), an analysis of the data, and a one page compilation of the raw data collected.

I hope you will find this information useful in trying to understand what is happening at Cold Spring Park and the demand for additional off-leash areas within the city.

I'd also like to mention that a number of years ago we created a website with information for residents interested in establishing off-leash areas in Newton at www.newtondogs.org. This site has not been updated in a few years, but it continues to have information you might find useful, including the texts of leash laws in neighboring communities that have areas where dogs are permitted off-leash <http://www.newtondogs.org/leashlaws.htm>, and a partial list with a very few of the many communities throughout the country that have off-leash programs <http://www.newtondogs.org/links.htm> . . .

Please feel free to contact me if you'd like any further information.

Ann Dorfman

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617-244-9321
dorfmanann@comcast.net

Cold Spring Park Usage Study - TOTALS - 34 hour count - August-September 2009

09 SEP 25 PM 12:35

A "visiting unit" is a group of 1 or more people together, e.g. 1 person walking alone counts as 1 visiting unit, 3 people walking together also counts as 1 visiting unit. OLRA stands for Off-Leash Recreational Area.

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The total number of people passing through the intersection is recorded in the "From...To..." columns. The total number of visiting units is recorded in the "visiting unit" columns.

While the data collected provides an accurate record of the number of people passing through this intersection, totaling all observations does not provide a record of the number of park users, since many people are recorded more than once—as they came into the park or off-leash area and as they left the park or off-leash area. In order to calculate a total number of people/visiting units that visited the park and the off-leash area from this location, a second row, labeled "B" does not include what are most likely return trips from the off-leash area to the trail, from the off-leash area to the street, and from the trail to the street (marked with an X), since these people were likely to have been recorded on their way to the trail or off-leash area. Because there was no way to know how many times users of the trail might pass through the intersection the assumption was made that they were observed only once, however, since some people made more than one trip around the trail the total number of trail users is probably high.

	From OLRA to street		From OLRA to trail		From street to OLRA		From street to trail		From trail to OLRA		From trail to street		From trail to trail		TOTAL	
	People	Visiting Units	People	Visiting units	People	Visiting units	People	Visiting units	People	Visiting units	People	Visiting units	People	Visiting units	People	Visiting units
A: On-leash	161	125	55	36	175	128	53	45	65	44	50	40	115	84	674	502
B:	x	x	x	x	175	128	53	45	65	44	x	x	115	84	408	301
A: Off-leash	4	3	3	2	3	2	3	2	1	1	2	1	41	30	57	41
B:	x	x	x	x	3	2	3	2	1	1	x	x	41	30	48	35
No dog																
walk	8	6	27	16	22	14	58	42	19	10	78	52	237	151	449	291
run	2	2	0	0	0	0	28	25	1	1	22	19	176	151	205	198
bike	1	1	0	0	4	3	6	4	4	3	5	2	29	18	49	31
A: No dog-total	11	9	27	16	26	17	92	71	24	14	105	73	442	320	727	520
B:	x	x	x	x	26	17	92	71	24	14	x	x	442	320	584	422

Total of all observations

A: # observations	176	137	85	54	204	147	148	118	90	59	157	114	598	434	1458	1063
B: # visiting units visiting the park	x	x	x	x	204	147	148	118	90	59	x	x	598	434	1040	758

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 #242-03(4)

Cold Spring Park Usage Report -- August-September 2009

Unless otherwise noted the calculations below use "visiting units" (groups of one or more people together) not individual people.

	Sat, Aug 8	Sun, Sept 13	Tues, Sept 15	Wed, Sept 16	Fri, Sept 18	Sat, Sept 19	TOTAL	PERCENT
	11 - 6	11 - 6	7-12 & 3-6	10 - 1	12-4	7-12		
	7 hrs	7 hrs	8 hrs	3 hrs	4 hrs	5 hrs	34 hrs	
	sunny/warm	sunny/warm	sunny/warm	cloudy/cool	sunny/nice	sunny/cool		

Observations of visiting units entering from Beverley/Duncklee with

dogs off-leash:	0	2	1	0	0	1	4	2%
dogs on-leash:	34	46	43	7	12	31	173	65%
no dog:	15	24	24	5	10	11	89	33%

Observations of visiting units exiting onto Beverley/Duncklee with

dogs off-leash:	3	1	0	0	0	0	4	2%
dogs on-leash:	32	49	39	7	10	28	165	66%
no dog:	18	22	25	2	6	9	82	33%

Observations of visiting units entering the off-leash area with

dogs off-leash:	1	1	0	0	0	1	3	1%
dogs on-leash:	31	49	35	6	17	34	172	83%
no dog:	12	10	2	1	2	4	31	15%

Observations of visiting units exiting the off-leash area with

dogs off-leash:	4	0	0	1	0	0	5	3%
dogs on-leash:	38	48	30	9	12	24	161	84%
no dog:	9	10	0	1	4	1	25	13%

Observations of visiting units walking the trail with

dogs off-leash:	4	6	11	5	1	7	34	7%
dogs on-leash:	37	43	42	10	15	23	170	37%
no dog:	64	63	46	11	21	54	259	56%

Observations of visiting units running on the trail with

no dog:	32	67	30	5	1	30	165	
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Observations of visiting units biking on the trail with

no dog:	7	11	1	0	2	1	22	
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The numbers below reflect the number of visiting units that visited the park, not the number of observations. Since many visiting units were observed more than once (e.g. arriving at the park and leaving the park) these number count each visiting unit only once and reflect usage not observations.

Number of visiting units visiting the park with

dogs off-leash:	4	7	11	4	1	8	35	5%
dogs on-leash:	56	85	71	12	22	55	301	40%
no dog:	91	145	79	12	38	57	422	56%

Average number of visiting units that visited the park per hour with

dogs off-leash:	0.6	1.0	1.4	1.3	0.3	1.6	1.0	
dogs on-leash:	8.0	12.1	8.9	4.0	5.5	11	8.9	
no dog:	13.0	20.7	9.9	4.0	9.5	84.4	12.4	

Number and percentage of visiting units visiting the park

	Visiting units	Percentage
walking on the trail with no dog	217	29%
going to off-leash area with dog	177	23%
walking on the trail with dog on-leash	175	23%
running on the trail with no dog	129	17%
walking on the trail with dog off-leash	32	4%
riding a bike on the trail with no dog	28	4%

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Cold Spring Park Usage Report - Page 2

	Sat, Aug 8	Sun, Sept 13	Tues, Sept 15	Wed, Sept 16	Fri, Sept 18	Sat, Sept 19	TOTAL
	11 - 6	11 - 6	7-12 & 3-6	10 - 1	12-4	7-12	
	7 hrs	7 hrs	8 hrs	3 hrs	4 hrs	5 hrs	34 hrs
	Sunny/warm	Sunny/warm	Sunny/warm	cool/cloudy	sunny/nice	Sunny/cool	

Number of people and dogs in the off-leash area recorded once every hour on the hour

d = dog p = people

							Average dogs/hr	people/hr
7:00			0d 0p			0d 0p	0.0	0.0
8:00			5d 3p			3d 3p	4.0	3.0
9:00			6d 6p			7d 8p	6.5	7.0
10:00			8d 6p	4d 3p		9d 9p	7.0	6.0
11:00	N/R	6d 6p	7d 3p	4d 4p		9d 9p	6.5	5.5
12:00	N/R	5d 5p	5d 3p	2d 3p	0d 0p	2d 2p	2.8	2.6
1:00	N/R	5d 5p		0d 0p	5d 7p		3.3	4.0
2:00	N/R	8d 8p			2d 2p		5.0	5.0
3:00	N/R	17 d 13p	1d 1p		5d 6p		7.7	6.7
4:00	N/R	N/R	12d 11p		9d 14p		10.5	12.5
5:00	N/R	N/R	10d 10p				10.0	10.0
6:00	N/R	3d 3p	4d 3p				3.5	3.0
Total average # of people and dogs in the off-leash area per hour							5.6	5.4

* N/R = information was not collected.

How visitors arrived at CSP (visitors with dogs were periodically asked how they arrived)

							TOTAL
Walked	7	N/A	24	N/A	2	29	62
Drove	17	N/A	17	N/A	7	23	64
Drove but often walk		N/A	4	N/A		2	6
Percentage of visiting units who were asked that reported that they walked to the park							47%

Maximum number of dogs per visiting unit observed each day

	3	3	3	3	2	3	
--	---	---	---	---	---	---	--

Barking episodes:

Barking episodes were usually 1-3 barks and usually lasted between 5-10 seconds.

							TOTAL
Barking -- OLRA*	4	N/R	5	3	4	4	20
Barking -- trail	0	N/R	2	0	0	2	4
Barking -- street**	0	N/R	3	0	0	1	4

* Barking heard from the off-leash area and the street was very faint, so more barking episodes might have occurred but not have been audible from the entrance where the observer was situated.

** Barking from street may have belonged to dog that lives in neighborhood

N/R = information was not collected.

Observations of visiting units on the trail when unaware of the observer

Because the observers were in full view of users after they entered the park it was possible that people with dogs might wait until they were out of view of the observer to remove their leashes. To test this an observe spent some time further down the trail between Duncklee and Plymouth out of view of users of the path. The following was observed from this vantage point.

	Observations	Percentage
dogs off-leash:	3	8%
dogs on-leash:	10	25%
no dog:	27	68%

Cold Spring Park Usage Report - August-September 2009

There has been much discussion about the use of the old ball field in Cold Spring Park as the city's first pilot off-leash area. To help better understand what is going on at the Duncklee/Beverly Street entrance to the off-leash area we undertook a 34 hour study over six days in August - September 2009 that documented the number of people with and without dogs, on and off-leash, on the trails and in the off-leash area. It is hoped that these data will help provide a better understanding of the pilot off-leash program.

The data collected for this report was gathered by observers sitting at the intersection where the life fitness trail intersects the access road from Duncklee/Beverly Street to the off-leash area. From this location the observer could see Duncklee/Beverly Street to the southeast, the path that leads only to the off-leash area to the northwest, and the trail that goes around Cold Spring Park to the northeast and southwest. There is also a small spur trail to the northeast that was also recorded as trail.

The observer recorded every individual and group that passed through the intersection during the hours indicated, noting where they were coming from and where they were going, whether or not they had a dog and if the dog was on a leash. People also enter the park and off-leash area from other entrances. These users would not have been recorded in this study unless they passed through the intersection where the observer was sitting. Their presence, however, could be recorded in the hourly count of people/dogs at the off-leash area. It should be noted that the number of people going to and returning from a location are not always the same since the park has multiple entrances and trails and people that enter at one point may exit from a different point.

Because sometimes one person walks with multiple dogs and sometimes a group of people walks with just one dog it was felt that calculations based on the number of people or the number of dogs would not accurately reflect usage. The calculations that follow are derived from "visiting units." A "visiting unit" refers to a group of one or more people visiting the park with or without one or more dogs, i.e. one person walking alone is one "visiting unit," three people walking together with a dog is also one "visiting unit." The data recorded both individual and "visiting unit" usage, the following calculations are based on "visiting unit" data.

Highlights

PARK USAGE: During the 34 hour period of the study there were an estimated 422 visiting units without a dog, 301 visiting units with dogs on-leash, and 35 visiting units with dogs off-leash (see paragraph above for definition of visiting unit).

ENTRY INTO PARK: 173 visiting units entered from Duncklee/Beverly with dogs on-leash. 4 entered the park from Duncklee/Beverly with dogs off-leash. This comes to an average of 5.2 visitors with dogs per hour.

OFF-LEASH AREA USAGE: 172 visiting units with dogs entered the off-leash area. The number of people and dogs in the off-leash area ranged from a low of zero to a high of 17 dogs/13 people. The average was 5.5 for both dogs and people.

TRAIL USAGE: 170 visiting units walked on the trails with dogs on-leash, 34 walked with dogs off-leash.

DOGS PER PERSON: Most visiting units were accompanied by 1 or 2 dogs. None was accompanied by more than three dogs.

NOISE: A total of 20 episodes of barking were recorded coming from the off-leash area. There were 4 episodes of barking on the trail. Barking episodes were usually 1-3 barks and lasted between 2-10 seconds. Barking heard from the off-leash area and the street was often faint so more barking episodes might have occurred, but would not have been audible from the location where the observer was situated.

This report was prepared by Ann Dorfman, 9 Henshaw Street, West Newton, MA 02465 617-244-9321 dorfmanann@comcast.net. Assistance was provided by, Omri Dotan, Nancy Gould, Carole Osman, and Jon Waldron. September 2009.



DAVID B. COHEN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

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FRAN L. TOWLE
COMMISSIONER

Newton Parks & Recreation Commission Meeting Monday, September 15, 2008 7:30PM, Room 209 at City Hall

Attending: Francis J. Rice, Chair, Walter Bernheimer, Arthur Magni, Paul Camilli, Kathleen Heitman, Jack Neville, Alternate, Peter Kastner, Alternate, Michael Clark, Alternate, Fran Towle, Commissioner and Carol Stapleton, Acting Secretary

1. Minutes of the June meeting were accepted.

2. Commissioner's Reports on Maintenance, Forestry and Programs:

Commissioner Towle took this time to introduce and welcome two new Commission Members: Ms. Kathleen Heitman, Ward 8, for a term that will expire in 2011 and Paul A. Camilli, Ward 1, for a term that will expire in 2011. Commissioner Towle reported that this past summer's programs and activities were very well appreciated and attended, especially the two new Camps that we were able to offer for residents as well as the swim programs at both Gath Pool and Crystal Lake. The new park at Crystal Lake was opened for the swim season and used every day by camps and swimmers. The Crystal Lake Task Force continues its work meeting sometimes twice per month and hopes to have a report ready for review by the Commission in late fall. Gath Pool opened with a number of new additions: a slide was added into the deep end of the pool as well as two shade structures and new deck benches. The Farmer's Market Program at Cold Spring now has an additional site at Post 440 on Friday's and the Senior's Program is going non-stop with daily trips and events. The Arts in the Parks Programs were also very well attended especially the July 4th Fire Works Program at Albemarle Playground. Commissioner Towle also commented on the Park Maintenance Program's cuts that were sustained during the budget process, which forced us to decrease the number of cuttings for fields and areas through out the City. However, we were able to hire a field turf specialist this past spring and Faye Hays's position has been posted following union guidelines and hopefully the interview process will begin in the fall. Another reminder to the Commission was also mentioned in that the Department had to cut the contractual leaf removal portion of the budget and we hope to be able to do some removals with an in-house crew and assistance from Public Works.

COMMISSION
MEMBERS

WARD 1 - JENNIE DEVITO
WARD 2 - ARTHUR MAGNI
WARD 3 - PETER JOHNSON

WARD 4 - FRANCIS J. RICE, CHAIRMAN
WARD 5 - WALTER S. BERNHEIMER II, VICE CHAIRMAN
WARD 6 - ANDREW STERN

WARD 7 - VACANT
WARD 8 - MYRA TATTENBAUM
FAYE HAYS - COMM. SECRETARY

ALTERNATES: MICHAEL CLARKE, PETER KASTNER, JACK NEVILLE

www.ci.newton.ma.us/parks

3. Dedication of Walkway at Stearns Park in honor of Alice Webber: Danielle Bailey of the Planning Department presented this request on behalf of the Nonantum Advisory Committee to name the recently installed CDBG funded walkway adjacent to the Stearns Park Tennis Courts, "The Alice Webber Way". Ms. Kathy Zigarelli who is the chair of the NAC was also present at the meeting. The NAC will purchase two granite posts which would be installed and on one post, a bronze plaque would be affixed with the following inscription:

"The City of Newton dedicates this walkway to the service of Alice Webber (1917-2004). A lifelong Newton resident, community leader and activist, Alice Webber served for nearly 30 years as a member of the Human Service Advisory Committee and Chairperson of the Nonantum Advisory Committee. She worked to improve the quality of life for all in Nonantum and championed many CDBG-funded projects."

Motion was made by Paul Camilli to approve the naming of this walkway in honor of Alice Webber and seconded by Arthur Magni. Motion passed 8-0.

4. Newton Public Safety Memorial Proposal for Newton Centre Green: Attorney Robert J. Gaynor presented to the Commission the purpose of the proposed Memorial which is to pay tribute to the dedication, training, effort and sacrifice of Newton Public Safety Personnel. Funding for this project would come from a non-profit charitable corporation who would raise the money privately to fund the proposed monument. Mr. Robert Shure, who is the sculptor for this project was introduced by Mr. Gaynor, who noted some of Mr. Shure's current pieces located though out the Country as well as the State. The proposed site location for this Memorial is the Newton Centre Green. The size of the area needed for the Memorial would be less than 10 square yards. Mr. Gaynor pointed out that the purpose for his visit was to ask for the Commission's permission to go forward with putting together a final draft for the proposal as well as the final site selection for the Memorial. Chairman Rice pointed out to Mr. Gaynor that before a final proposal could be presented to the Commission that a joint proposal which would also include The Newton Centre Task Force's recommendation as well would have to be submitted. Peter Kastner also pointed out that there is a proposal before the Board of Alderman, by Alderman Albright, for the formation of a task force to investigate the creation of a Commission of Public Art whose members will be jointly appointed by the Mayor and the Board of Alderman. The job of this Commission would be to raise funds, solicit commissions, and select public art for villages and or parks. The Commission was also joined at this time by Alderman Vickie Danberg who agreed to meet with Mr. Gaynor and others and return to the Commission later with a joint proposal for discussion. Mr. Kastner also stressed that he felt it was important that there is a process that deals with the issue of the sensibility of the piece that is proposed. Alderman Danberg also pointed out that the Newton Centre Green was one of the locations that they were looking at and that there are a number of items that are involved with the proposal, site location, the sculpture itself and that the proposal is properly vetted by all of the groups that would have to agree that this is an appropriate piece of work to be placed anywhere in the City. Mr. Gaynor thanked the Commission and promised to return at a later date.

5. **Off Leash Proposal for Cold Spring Park.** Mr. Lee McIntyre of Commonwealth Avenue opened the discussion by explaining to the Commission that he represented about 40 dog owners calling themselves "The Friends of Cold Spring Dog Park" – many of whom were present in the audience. The proposal that was in front of the Commission was to designate the old ball field side of the lower portion of Cold Spring Park off of Dunklee Road as a site for a legalized off leash site for dogs. Mr. McIntyre pointed out to the Commission that in December of 2007, the City of Newton passed an off leash pilot program ordinance and to date there had not been a formal proposal for a site. This proposal would be the first attempt to formalize a site for an off leash area for dogs. This area apparently has been used for the last 20 plus years, as an unofficial off leash area and this proposal is an attempt to legalize this area. What the proposal asks for is a 6-month trial of this site and to begin as soon as possible in order to get data for the fall, winter and early spring months. Mr. McIntyre also pointed out that the Off Leash Ordinance will expire in December of 2009.

Wally Bernheimer, Commission Member from Ward 5 explained that Mr. McIntyre had sent him a copy of the proposal earlier and that he had made some comments related to the content of the proposal. Wally commented that he thought that instead of a 6 month trial, a nine month trial would be more appropriate as it would allow for much more data to be collected. Wally also noted that there are a lot of "shoulds" which he felt should be replaced with "musts" – for example – when a dog is exhibiting threatening behavior instead of saying the owner is expected to put the animal on leash the proposal should say the owner "must" put it on a leash immediately. Wally would like to see the proposal much more definitive as a set of rules for dog owners. He also pointed out that he felt that the group should recommend a set of signs to be posted and that the group should raise funds for the purchase of those signs and to have them installed before the Commission would allow the group to begin with the trial. Wally asked Mr. McIntyre if the group was incorporated and Mr. McIntyre acknowledged that they were not. Wally also was looking to see who is in fact, in charge of the group. Mr. McIntyre replied that he would be happy to be the point person. Any and all signs would have to be approved by the Parks & Recreation Department. Wally also wanted to see an absolute defining of the park area. This would mean that the group would only have access to the unused left side of the park and would not include the ball field side of the area nor would it include the pathway behind the area. Wally also questioned on how we to measure whether the trial succeeds and what is going to be the criteria used to measure whether the trial as a success or failure. Wally felt that the group needed to be able to propose these measures. Mr. McIntyre explained that he did not feel that he could speak for any other owners who used the area nor could this group enforce the rules for those who are not part of this group.

Mr. Rice also questioned who from this group was going to be in charge of cleaning the field and who was responsible for checking that all dogs were properly licensed while using the facility.

Alderman Susan Albright and Alderman Mitch Fischman joined the meeting. Alderman Albright acknowledged that many of the issues that have been mentioned are perfectly reasonable and commented that we are on a journey and this proposal and meeting was the first step along the way. The hope of her advisory committee was to begin to change the behavior of dog owners and that the first idea was to get several parks through out the City where people can go and take their dogs off lease legally. She also noted that back in the spring; the Newton Police Animal Control Officer had appeared before Programs & Services Committee and agreed to help with enforcement. Peter Kastner commented that there needs to be a specific guarantee from the Police Department included in the proposal that they would provide a minimal amount of policing for a specific period of time to cover this area. Peter also noted that the Commission had made several recommendations to the Advisory Committee regarding police issues, enforcement, and that to his knowledge none of the recommendations had been taken into consideration by the Advisory Committee.

Wally also pointed out that he felt that the proposal needed to have a procedure which included names of group members who were in charge of policing the area, checking to see if all dogs were licensed, and in charge of the overall group. Mr. McIntyre explained that perhaps at the end of the trial there could be a mechanism whereby the Commission would invite public comment on the trial. Wally also pointed out that the mitt mutt station "must" be installed with proper signage all over the area. Chairman Rice also asked the group to think about a separate tag for their group while they are using the area. A discussion followed by several Commission Members as to the liability issues involved with the sanction of an area such as this. Commissioner Towle will check with the Law Department on this item.

Michael Clarke motioned that this group come back to the Commission with a set of definitive rules; names of those responsible for the groups activities, a commitment to provide the signs subject to the approval of the Department, a clear and a definitive procedure for the policing system of clean up. The proposal should also note the installation of mitt mutt stations and the restocking of each station as well as a clear statement of the involvement of the Dog Officer, and a more definitive proposal on identification tags as well as licenses. Michael also requested that when the group returns that they provide some comparison data from other cities and towns in the area. The group should also change the request for a trial of 6 months to a 9 month trial. The motion was seconded by Kathleen Heitman and voted in favor 8-0.

NEWTON PARKS AND RECREATION DEPARTMENT



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FRAN L. TOWLE
COMMISSIONER

Newton Parks & Recreation Commission Meeting

Monday, October 17, 2008-7:00PM

Attending: Francis J. Rice, Chair, Walter Bernheimer, Vice Chair, Arthur Magni, Paul Camili, Peter Johnson, Alternate Jack Neville, Alternate, Michael Clarke, Fran Towle, Commissioner, Robert DeRubeis, Deputy Commissioner, Carol Stapleton, Acting Secretary.

1. Commissioner's Reports of Program, Forestry and Maintenance.

Commissioner Towle reported on the success of the Paddy's Road Race for the benefit of Special Olympic Athletes; another very successful Harvest Fair in Newton Centre; the opening of a pilot program at Newton North High School in late October and the Youth Commission's Autumn invasion program at City Hall. The Commissioner also noted that the purchase of the easement behind the house at 230 Lake Avenue which will connect the shoreline along Crystal Lake has been finalized and details for the pathway would be forthcoming. The Crystal Lake Task Force continues to meet on a monthly basis and will be coming in to report to the Commission at a later date. The Commissioner also noted that the Universal Playground at the Newton Centre Playground has been completed and is now opened for all residents to enjoy. The CPA project at Farlow Park is proceeding and Bob DeRubeis is writing the specs for the well process in order to know if there is water available for the new pond at the site. The Department is also working on the Newton Highlands Playground Master Plan meetings with the stakeholders who are interested in doing fundraising for the Park. The Forestry Division has completed another "windshield drive inventory" city wide and we have found that we still have many trees in the hazardous category and we will be contacting the Executive Department for additional funding.

2. Scholarship Report: Commission Members received a copy of the final summer report prepared by Stephanie Pelkowsky who was unable to attend the meeting. Bob DeRubeis reported that the total monies available for 2008 were

COMMISSION MEMBERS

WARD 1 - PAUL CAMILLI
WARD 2 - ARTHUR MAGNI
WARD 3 - PETER JOHNSON

WARD 4 - FRANCIS J. RICE, CHAIRMAN
WARD 5 - WALTER S. BERNHEIMER II, VICE CHAIRMAN
WARD 6 - LEE MOTTARD

WARD 7 - VACANT
WARD 8 - KATHLEEN A. HEITMAN
COMM. SECRETARY - VACANT

ALTERNATES: MICHAEL CLARKE, PETER KASTNER, JACK NEVILLE

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\$42,220. 73 applications were received and 64 applicants accepted the scholarship for a total of \$ 23,540. 9 applicants did not qualify or declined. The account shows a balance of approximately \$19,000 to be used for fall, winter and spring programs.

3. **Summer Swim Report:** Commission Members received a copy of the final reports from Crystal Lake and Gath Pool. Both sites reported increases in permit sales and swim lesson participation during the past summer. Commission Chairman Rice requested that the Department work on a report noting the expenses to operate for each facility to be submitted at a later date. Wally Bernheimer noted that, once again, the numbers of passes that are given out to senior citizens at no cost had increased. These numbers are almost 45% of the total of adult permits that were sold during the season. Wally believes that senior citizens should pay a fee and would like a discussion by the Commission on this subject. Commissioner Towle commented that the Department will conduct another survey of other cities and towns in the area and present it to the Commission at a later meeting on charges for senior citizens.

4. **Off Leash Dog Park Proposal:** Chairman Rice introduced Alderman Susan Albright who began the discussion by introducing Sally Rizzo who is the Co-chair of the Advisory Committee. Sally thanked the Commission for talking and working with the Committee on this proposal. She noted that the time frame is very short as there is about 13 months before the Committee must return to the Board of Alderman to file a report on the status of the off leash ordinance. Alderman Albright noted that the group that has petitioned the Commission for permission to use the Old Cold Spring Park has answered all the questions and points from the last meeting and was present to answer any additional questions from the Commission. Chairman Rice commented that the Department had sent out 147 letters to abutters of Cold Spring Park and he had reviewed the 5 letters that were sent to the Department on the subject. Ms. Anne Li addressed the Commission on behalf of a number of abutters who were at the meeting. Ms. Li began her comments by noting that they were not in favor of creating an off lease park on this site. She also noted that the timing of the notification letter that was sent out to abutters was received late and that if the notice had been sent earlier, many more abutters would have come to the meeting.

Ms. Li read an email that she had received from a resident on Terrace Avenue noting a strong objection to formalizing this area as an off leash area and that on several occasions had been bothered by dogs who run around the park without a leash which led him to be concerned for the safety of his children. Ms

Li also noted a letter sent by Ann Stock of 43 Beverly Road. The rear of her house directly abuts the Cold Spring Park. At one point, Ms. Stock was a member of Lee McIntyre's Friends of Cold Spring Park group and had attended the first Commission Meeting in September. After that meeting she requested that her name be removed from the list. Ms. Stock believes that there is no gain for dog owners and a potential loss for abutters. Her letter goes on to point that there is potential for increased traffic and parking if the proposal were to pass. She also points out that the vast majority of dog owners who use the park are responsible dog owners. But like any group, there are those who are less responsible. Ms. Stock pointed out that there are owners who drive down Duncklee Street, park their cars and let their dogs go all over the area. She also points out that in the rules, there are requirements that signage be posted at the entrance but she wonders at which entrance to the area would signs be posted.

Discussion resumed on which entrances to the Park the required signage would be located. In addition topics such as the exercise trail, parking and other uses of the area proposed.

Jose Saporta also commented that his children are afraid to use the area due to the dogs that run in the area off leash. He also noted that there was a woman who chose to run her pit bulls off leash in the area.

Brenda Harsham also spoke to the group about how nervous and concerned she is when her children are out playing. Ms. Harsham noted how many people simply drive up to the area and just open their car doors and let their dogs run. She also noted that even during the snow months of the year, dogs still are let loose all over the park. She wondered if a set number of hours could work and not have the park open for dogs from dawn to dusk.

Jessica Straus commented that the notion that this park was chosen was that it has been operated by so many as an off leash area for so many years and a reminder that it is illegal to do so in Newton. She also noted that not long ago, a dog entered into her house. She was concerned that there would be a lot of dog owners who would now visit the park from outside of Newton which would also add to the parking issues the neighborhood experiences now.

Alderman Albright noted to the group that these issues mentioned are city wide issues. It is the hope of the Task Force that a group such as this, who has come forward and is willing to work with the issues can now begin to work with owners to be much more considerate and responsible owners. The Task Force and the Advisory Committee realize that there is a problem with dogs off leash and very inconsiderate and irresponsible down owners and that this proposal would hopefully be a start in the right direction.

Lee McIntyre noted that he felt that most of the comments from abutters and their concerns were caused by owners who allow their dogs off leash BEFORE

they get to the meadow area. He hopes that if this proposal were to pass, his group would work very hard to educate other owners to leash their dogs until they are in the meadow area

Commission Member Wally Bernheimer noted that as a resident of Winslow Road which is on the south side of the park and directly next to the running paths, he and his family have experienced many issues with dogs off leash. He believes that the concept of a trial experiment makes sense but still wonders how the experiment is going to be measured as a success or failure. To him, not to see dogs off leash on the paths would be a measure of success. He also noted that perhaps Cold Spring Park was not the right park to try an experiment at this time. It does seem that there are two distinct and separate groups of dog owners that use the area. One group walks down to the meadow area and the other group is the runners with dogs that run the paths throughout the Park. He also felt that the Police enforcement would not increase due to a lack of Animal Control Officers.

Commission Member Arthur Magni also stressed the enforcement issue and that the early morning noise was not acceptable.

Eric Poley felt that dog owners policing other dog owners who are not considerate and responsible would really help the issues raised by the abutters.

Wally Bernheimer also noted that there are so many access points into the area. Lee McIntyre pointed out that his group was willing to pay for and install signs at whatever entrances the Commission would request.

Sally Rizzo pointed out to the Commission that if a trial was granted to this particular group and it was found to be successful, then other groups from other parts of the City would come forward to work together to curb the problems with dogs running off leash city wide.

Alderman Albright noted that when the City sent out the dog license renewal forms a notice was enclosed about the opportunity to form a group such as Lee's and they received about 60 responses from residents which would be for about 6 problem parks in the City. All of these interested residents are watching what happens with this first proposal before they make an attempt to formalize an area in their neighborhood.

Commission Member Peter Johnson agreed with Alderman Albright that if a trial was not granted for this proposal, other groups would not come forward to attempt to control dog issues in other parts of the City. He also felt that self policing by responsible and considerate dog owners would be an effective method to try and ease some of the abutters concerns.

Chairman Rice polled the Members to see if they would like to pause in the meeting at this point to go to the Chambers to listen to the Mayor's State of the City Address. Members voted to remain and to conclude the meeting.

Alderman Albright noted that there is an email address, a web address and a complaint form which will be on the City's Web Site which is being produced by Mike Kruse in the Planning Department.

Wally Bernheimer motioned that a formal vote be postponed for one more month and that a vote be taken in November. He also noted that in addition to the proposed communication system and increased signage, he would like to see a much stronger commitment by the Police Department to do random enforcement in the area and requested Commissioner Towle to pursue a meeting with the Police as soon as possible. Commission Members voted in favor of postponement of this item until the November Meeting 7-0.

5. Alice Ingerson, CPA Program Manager briefed the Commission on the three hearings to be held this fall by the CPC – one on housing, one on historic resources and one on open space and recreation. The idea on these hearings is that monies are getting tighter and priorities must be set by the CPC. She passed out charts and graphs showing how money is allocated and suggested that the Commission and Department be well represented at the hearing on Wednesday. Wally Bernheimer noted that the funding for Historic Resources is an important component of the process especially in projects like the Upper Falls Park and Playground and the Newton Centre Playground. The criteria for Historic Resources are extremely broad. It speaks to the history of the park, the area and the memories associated with life in the community. Commissioner Towle noted that the Department would be represented at the hearing by herself and Carol Schein. Wally also noted that the Upper Falls Project is one of the Commission's highest priorities. Jack Neville remembers being able to fish from the Park onto the River when he was growing up in the area.

Meeting adjourned at 9:45 p.m.

Respectfully submitted:

Carol Stapleton



Newton Parks & Recreation Commission Meeting Room 209 Newton City Hall

Monday, November 17, 2008

Attending: Francis J. Rice, Chair, Walter Bernheimer, Vice Chair, Arthur Magni, Paul Camilli, Kathleen Heitman, Peter Johnson, Michael Clarke, Alternate, Jack Neville, Alternate, Fran Towle, Commissioner, Robert DeRubeis, Deputy Commissioner, Carol Stapleton, Acting Secretary, Robin McLaughlin, Administrative Assistant.

Correction: To be reflected in October Commission Meeting Minutes: Kathleen Heitman's name was omitted in the minutes. Ms. Heitman was in attendance for this meeting.

1. Reports of Program, Maintenance and Forestry: Commissioner Towle introduced Robin McLaughlin who will replace Faye Hayes as Commission Secretary and Administrative Assistant and Office Manager. The Commissioner also noted that our Director of Special Needs Programs, Mark Kelly and his wife welcomed their first child Carolina Maria into the world on November 1st. The Commissioner reported that our maintenance department has just finished up on this year's turf work and fertilization efforts citywide. Marc Welch will be submitting a proposal for the completion of the dead and hazardous tree survey which was done on a citywide basis. It is anticipated that we will need to go before the Programs & Services Committee on this request. The Commissioner also noted that the Department has been meeting with the Citizen's Advisory Committee on the revenue portion of their report which is due out shortly.

The minutes and the Commissioner's report were accepted 8-0 with the notation to add Kathleen Heitman's name as in attendance for the October Meeting.

2. Dog Park Proposal: Chairman Rice opened the discussion with a request that only 3 representatives of the area abutters speak on the subject. The Commission had received many emails and letters that were sent to the Department regarding this proposal. Alderman Susan Albright began the discussion noting that the Planning Department would be responsible for setting up a web site which would include information on the Task Force Committee as well as a complaint form or any other issues or topics that the Commission would require. Alderman Albright also noted that she had requested that the Law Department comment on City liability issues pertaining to Dogs-Off-Leash. The Law Department's response was circulated to each Commission Member and is a part of the official documents for this Commission Meeting. Alderman Albright noted that since the City is neither the owner nor custodian of dogs brought into any park or any off-leash area, the City has no liability.

Amy Koel summarized the results of the meeting with the abutters two weeks ago and a formal report was submitted to the Commission. Chairman Rice again requested that more than one name be submitted as the primary contact person on behalf of the Cold Spring Friends Group proposal in order that residents can contact several persons with questions and/or complaints and should be noted on the web site as well.

Chairman Rice introduced Animal Control Officer Jim Pellegrini. Officer Pellegrini spoke about and submitted the Important Dog Laws information sheet formulated by the Police Department. Officer Pelligrini felt that for the dog park to be successful, the area should be fenced. He felt this would control the area and allow those park users that did not want to be bothered by dogs to be able to use the park at anytime.

Kathy Heitman addressed the group, specifically Lee McIntyre as the primary contact person of the proposal. Ms. Heitman noted that in several areas of the proposal and also in Lee's presentation, he mentioned that "we" would oversee the Park. Ms. Heitman asked for a specific number of how many people are involved with the Friends Group that would oversee the Park's proposed rules and regulations. Mr. McIntyre responded that he has a list of 25 members of the group. Ms. Heitman commented that she felt this was a large task for 25 members to monitor this area. She also asked if the group had a chart of assignments for each member. Mr. McIntyre responded that they did not have a chart prepared but noted that in the proposal there were names and phone numbers listed for those assigned to various tasks such as weekly clean up, maintenance of the mitt mutt stations and fundraising for signs. Ms. Heitman also thought that it would be a much better idea if there were certain designated hours for off leash dogs rather than dawn to dusk. Ms. Heitman also commented that in the summary of other cities and towns dog park areas, it is noted that owners must be in control of the dog so that it does not disturb the surrounding areas or other actions. She noted that many of the abutters were very concerned with many of the actions of dogs off leash, running through private yards or even into private homes. Ms Heitman said that she feels for these abutters. She questioned Mr. McIntyre on how he and the members of his group proposed to control most of the complaints of the abutters.

Mr. McIntyre noted that many of the letters and comments he had received from the abutters were for dogs on private property. He explained that this is due to owners who drive up to the area and open the car door and let the dog run loose without being leashed until they arrive at the actual site of the proposed off leash area. He noted that they had hoped that they could immediately address that problem with publicity and proper signage. An effort would be made immediately to do press releases and notification in the Newton Tab of the specific rules and regulations governing the use of the off leash area. Ms. Heitman commented that she is aware people from other cities and towns coming to the Cold Spring area to use this area.

Alderman Albright also reported that the Committee had met again on signage with Chairman Rice, Vice Chair Wally Bernheimer and Newton Police Captain Cummings concerning extra patrols assigned to the area for the first two weeks of the opening of the area. Captain Cummings committed to an informational trial effort by patrol officers and after the trial, possible citations would be issued to chronic abusers of the rules.

Mr. Dyer of Terrace Ave asked that the area be enclosed with a fence. Chairman Rice pointed out that it would be a very costly undertaking to fence this area and the Parks & Recreation Department does not have the funds available for fencing.

Wally Bernheimer reminded Commission Members that although he is an abutter to the Park and in a unique position as a member of the Commission, he saw no reason not to try the experiment of an off leash area on a trial basis before the ordinance expires. He felt that if there were some effort made to control those owners who run the trails with their dogs off leash then that would be a measure of success. If at the end of the trial, abutters of the area saw no changes in this behavior by owners then the trial would be over. He also felt that there should be signs at the 6 points of entry into the Park, which would explain the rules and regulations, directional maps on each sign and a concerted effort by Newton Police Patrol Officers to hand out tickets to abusers of the rules.

Arthur Magni pointed out that it was acknowledged by all, that there were two different populations of dog owners; those that use the meadow and those that use the trails. Arthur felt that the meadow could be self policed by the FOCSP but thought it would be very difficult for this group to police the trails.

Alan Noguee of 48 Kingston Road explained to the Commission that his family and at least 12 other households on his street were very much in favor of this proposal as they felt it was a tremendous asset to their neighborhood and not to assume that all abutters were against the trial.

Commissioner Towle agreed that enforcement was the key to the trial's success and that it should be evaluated in increments i.e. the first two weeks and then on a monthly basis and if we find that it is working well, then the trial would continue. If it was found that the trial was not working then either make the corrections or stop the trial.

Peter Johnson wanted to make sure that there was a mechanism in place with the Off Leash Task Force for the evaluation process. Amy Koel responded that there is a form on the Web Site and that there is also a form for any and all comments from abutters or any other residents to comment and evaluate the trial. This information would go directly to the Task Force and they would be responsible for taking and all actions necessary and collecting all data and reporting back to the Commission.

Alderman Albright reported that they had been in contact with a sign company and that the projected cost for each sign would be approximately \$125.00 for each sign. The group has raised enough money to cover the cost of the signs.

Michael Clarke wanted to make sure that the trial would not begin until the signs were in place and that the trial would last for 9 months only.

Paul Camilli offered a motion that a trial for an off leash dog area be instituted and that before the trial was to commence, proper signage must be installed at the 6 designated entrances, The Newton Police Department commitment to random enforcement efforts must be in place, a formal announcement to the media i.e. Newton Tab and also on the City's Web Site. A formal review and evaluation process would also be submitted by

the Task Force to the Parks & Recreation Commission on a weekly basis at the beginning of the trial for one month and then a review on a monthly basis by the Task Force to the Commission. Commission Members also felt that it was important to define the specific area where the trial is officially allowed by whatever means is available to the Parks & Recreation Department to accomplish this before the trial is to officially begin.

The motion was seconded and voted 5-3 (Magni, Heitman and Neville opposed) to allow a trial for an off leash area at the Old Cold Spring Park, old ball field area, according to the stipulations as noted above for a 9 month period.

3. Charlesbank & Lowell Park Master Plans – Danielle Bailey from the Newton Planning Department reported to the Commission that the report for each of the two sites, summarizes the design process leading to the accepted Master Plans for both sites. The design process included meetings with City Planners, Parks & Recreation Department Managers and the Community. The Community for each site participated in the design process by providing their input in a series of three public meetings for each area. The goal of each Master Plan is to provide recommendations that can be used for improvements to the parks. Each component of the Master Plan is presented in two parts, issues and recommendations. The issues were compiled from observations taken from the site, the City of Newton's input and the Communities comments. Commission Members were supplied copies of each of the Master Plans as well as community recommendations and ideas. Funding for the Plans was from the CDBG Block Grant allocations for each neighborhood site.

Danielle pointed out the concepts for each site noting that there is an ongoing traffic study at the Lowell Park site. Danielle introduced Landscape Architect Ray Dunetz who explained various points of the traffic issues at the Lowell park site.

A discussion on funding for each project ensued and Danielle noted that their funding pool was not as strong as it had been in previous years and it was hoped earlier on in the process, that an application for CPA funding may strengthen the funding sources but this is not possible at this time. Commissioner Towle pointed out that the Department would be experimenting with a new type of grass that did not require weekly cuttings which could drastically reduce maintenance costs.

Paul Camilli asked how much of the required site work for each site could be done by the City Work Force thereby reducing some of the costs. Daneille felt that a considerable amount of work could be done by the City, however, the availability of in house crews to accomplish the work would be the issue. She also spoke about types of fundraising efforts by each community that could be researched.

Kathy Heitman noted that there are many Newton based contractors in these areas that may contribute in kind services to these projects as well.

Danielle also pointed out that at the Charlesbank site, significant grading issues exist and it was the hope of the neighborhood to re-grade this entire area and leave as much open space available for the neighborhood children to use. Stephanie Pelkowsky, Recreation Manager, pointed out that there is \$12,500 from the Marathon Receipt