

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JANUARY 5, 2005

Present: Ald. Johnson (Chair), President Baker, Ald. Hess-Mahan, Ald. Sangiolo, Ald. Fischman, Ald. Parker

Absent: Ald. Merrill, Coletti

Also Present: Carisa Olivo, Fran Towle, Martha Horn, Carol Stapleton,

#464-04 PRESIDENT BAKER appointing CARISA OLIVO, 251 Pearl Street, Newton Corner as a member of the CHILD CARE COMMISSION for a term to expire January 1, 2007. (60-day Board action date 2/4/05)

NOTE: Carisa Olivo was present but since there was a communication gap her appointment interview was not scheduled. Chairman Johnson recommended that the committee talk with her but hold the item. Her appointment will be voted on at the next January meeting and will then go to the full board in February.

Ms. Olivo had worked at the United Way in Boston. Since she has recently moved to Newton, she wanted to get involved in the community and use her skills gained from her work at the United Way. She has worked in child-care planning and also has done community research and grant making at the United Way. Since this item was not scheduled, the Committee deferred it until the next meeting.

#482-04 ALD. GERST & YATES offering a RESOLUTION requesting that NewTV take any and all actions necessary to comply with the December 18th, 2004 prohibition against Al Manar Broadcasting.

ACTION: HELD 5-0

NOTE: Chairman Johnson told the Committee that the federal government has taken care of disconnecting the link between Al Manar and our broadcast satellites here in the United States. Ald. Gerst who was ill and unable to attend asked the Chairman to postpone discussion of this item. He has information that involves Al Manar and Mosaic finding ways to get around the disconnection of this link and he would really like the Committee to have further discussion.

Actions Requested: Ald. Fischman asked that Ald. Gerst provide information that could be available in the January 9th packet further explaining his request. President Baker also requested that the Law Department be advised.

#242-03 ALD. JOHNSON, SAMUELSON AND SANGIOLO requesting a discussion to determine times and places where dogs may be off leash on public grounds excluding schoolyards.

ACTION: HELD 6-0

NOTE: **Introduction:** Chairman Johnson told the Committee that she had included in the packet, a proposal to create a combination citizen/city departmental task force. There had been an analytical process in the past when a skateboard park was being considered. The task force established criteria which they then used to evaluate potential sites in the City. A compilation of the data identified possible sites which the committee then discussed resulting in a final recommendation that three or four parks be studied further as to neighborhood impacts of noise etc. Ald. Johnson indicated that the process had been very fair, rational and consistent.

Chairman Johnson wanted to stress that what is in existence today is a leash law that states dogs cannot be off leash anywhere or anytime. This is not working and what is needed is a place or places where this can happen and she explained that other communities do this successfully. She indicated that, in her view, one of the things that is important is that there be an education process. There is quite a bit of information available on dog parks and dogs off leash. With the help of both the city people and proponents and opponents there could be some research around dog parks and dogs off-leash hours, and build on lessons learned.

There are two ways that this could be handled – create dog parks (fenced in, designated area) or places with off-leash hours. Brookline does have certain hours in the morning in certain parks that are designated off leash areas. In her opinion we have to look at best practices and then to think about what we need to consider in assessing possible areas. She feels it is very important to go out and look at possible sites. The Task Force would make a recommendation to this committee. If sites are identified, then the Task Force would present their findings to the appropriate departments/commission. Prior to any commission or department taking any action, there be a Public Hearing held for the neighborhood of that site so that there could be neighborhood input.

Commission Views:

Fran Towle said her commission has not taken a real position. She noted that there are concerns for safety and enforcement.

Martha Horne told the Committee that much of the conservation land is very sensitive and there is concern for wild life. Complaints regarding specific areas have resulted in difficulty with enforcement.

Committee Members Thoughts:

President Baker felt that the skateboard model is a very useful idea. There still is a question of whether to have dogs off leash at all rather than to focus on how. He continued to say that any policy of this sort will require an ordinance change. A study must be made even before we could have a pilot. He has noticed that Brookline has a policy that has excluded conservation land. He felt that we should not consider any conservation land.

He also said there is a significant number who do not want to see any dogs off leash at all and enforcement would be a key part of any recommendation. In his view, part of the challenge is to figure out if there is a way to structure a conversation to advance the solution. There is a significant amount of violation of the current law and is it better to find a way to structure a solution. President Baker is thinking about the framework of a resolution that will enable the full board to support this as time well spent on part of members of the board, the citizens involved and result in something useful. He would like a process to investigate limited alternatives.

Part of the challenge of this process is that the city went through an enormous effort to get the leash law in place. That process was a highly volatile and vigorous conversation. Since we have had a leash law for such a long time that any type of change does produce a significant amount of concern in the public because it has been a long-standing policy. He went on to say that he understood that it might be valuable to have a wide-spread realm of opportunity, but at the same time he is concerned that this is again a change in policy that is going to require a good deal of education and thoughtful consideration by a number of people before the Board will vote for this. In the first stage he would not like to see conservation areas considered.

Ald. Fischman noted that the question of whether and where are two different things. He continued to say that in the case of the skateboard park, a big question was location. Ald. Fischman suggested that maybe the formation of the Committee should include an initial piece where there would be a “whether” on the Committee and not get into the locations until they get over the issue of whether. Ald. Fischman said starting this way would make it easier to deal with. He felt that the Health Commissioner’s testimony during the public hearing had concern for health issues. Chairman Johnson noted that the Health Department could be a resource. She reported that when the Health Commissioner did go on a tour of a dog park and was impressed with how well it was working. He would be amenable to the Board looking at this.

Ald. Parker would like to see fenced off areas without time limits.

Ald. Sangiolo felt that the “whether” could not be compared to the skate park because there were people who were not sure of liability and were against it. She said the leash law is currently being enforced haphazardly. In her opinion, it would be a bad idea to exclude conservation areas. She applauded Ald. Johnson for taking the lead on this and her putting the memo together. Ald. Sangiolo felt the skateboard park commission is a great example and felt we need to move forward with this. There are so many more people interested in the dog park than were interested in the skateboard park. She thought that the possible alternatives should be listed. She reiterated that we are not trying to get rid of the leash law and clarify that maybe there would be certain off-leash hours at certain parks, whether there are fenced in parks at certain areas, whether some conservation areas would prohibit dogs. She agreed with Ald. Parker on the issue of fenced in areas. She did take issue with the Health Commissioner saying there was always residue.

Ald. Hess-Mahan said his initial reaction to dogs off leash was quite skeptical. After discussions with residents in his neighborhood, he was impressed with how the owners were policing the dogs themselves as well as keeping the park clean. He noted more beer bottles than dog droppings. The best way, in his opinion, to have this work is to talk about it. He does not feel that you can talk about it being a good idea until you talk about whether it is feasible. In his opinion, it can be feasible, but under a very specific set of circumstances. An important part of the process would be community input. He supports the creation of this task force and feels it is a positive step in the right direction allowing the balancing of concerns of dog owners and non-dog owners as well as community members whether they own dogs or not. He felt that conservation land should at least be considered, but school playgrounds should not be considered.

Community input:

Ted Kuklinski, VP of the Conservators, attended meeting. (See letter attached)

The following spoke in support of the creation of a task force:

Steffi Aronson Karp, Woodward Street, Waban
Ann Dorfman, Charles Street, Newton
Richard DiBona, Hull Street, Newtonville
Bonnie Norris, Pleasant Street, Newton Centre
David Garvis, Newton
Jeff Robinson, 27 Wyoming, Newton

President Baker noted that some have not spoken who feel they are at a disadvantage with dog owners. From his viewpoint we have to be aware of those voices even if they are not in this room.

Ald. Parker felt there is a group of people who would be embarrassed to come to meetings but are afraid of dogs.

Chairman Johnson asked for a suspension of the rules to introduce the Boston Ordinance (see attached).

Development of a Resolution to the Board:

President Baker recommended the following as a preamble to the resolution:

“The existing leash law remains in full force in effect and should be enforced even-handedly throughout the City. A number of dog owners have requested Newton consider amending the ordinance to allow dogs off leash with certain limited times, places, and environments. At the same time many citizens are also concerned that dogs off leash pose risks to health, safety, and peaceful enjoyment of public spaces. To see whether and how any modification of the leash law should be considered the Board resolves that a special task force be established to investigate the issue with the following characteristics: Because of the wildlife conservation issue and school yard health issues, both areas should not be part of the preliminary investigation. (They would be off-limits for this process) The times would be limited, the days would be limited. One or two pilot locations would be selected at the outset with others to follow if a pilot program were successful and within that set of parameters, a task force would then do all of the things you have here. The next issue would be who would be on the task force and how it would be led and organized.”

Chairman Johnson feels we need to look for people who are willing to be fair, consistent, and open minded on all sides to serve on a task force to come up with something that will work for the city that will allow people to enjoy their parks with their dogs at some point and some time most days of the week. From Chairman Johnson’s viewpoint, she felt it would be possible to find eight members.

President Baker suggested the item be held and have a draft document available the next time this item is scheduled for discussion.

The meeting adjourned at 9:57 pm.

Respectfully submitted,

Marcia Johnson, Chair