

Off-Leash Dog Task Force Meeting Minutes

Thursday, March 16, 2006

Room 202, 7:00 P.M

Members present: Ald. Albright (Chair), Ald. Fischman, Amy Koel, Paula Palumbo, Officer O'Connell, Francis Rice, Norman Richardson and Richard Tucker
Also present: Ald. Baker

City staff present: Marie Lawlor (Assistant City Solicitor)

Ald. Baker thanked the members for all of their dedication and hard work on the Task Force.

1. Discussion of Sites

Task Force members visited different parks throughout the City and reported on their visits.

Cold Spring Park – The park is a very large open space with trails and playing fields. During each of the visits, there were only four or five dogs at the park. All of the dogs were off leash but very well trained and under good control. There was no visible dog waste on the fields. There were people that did complain that the paths through the woods were not clean. A couple of people said that they were not concerned about the leash law because it is not monitored. One person stated that it is much more important for the dog to get exercise and play time off leash than to obey an outdated ordinance. The dog owners are not radicals and are responsible people. There was only one person with a dog who was not a resident of Newton. All of the dog owners were behaving responsibly with their dogs and would support a pilot program for off leash dog parks. A few people said that they felt guilty about breaking the law and would love to have something that was workable with clear regulations. Several dog owners stated that they would be willing to pay for a permit for a dog park, as opposed to raising the dog licensing fees around the City. One person said it would not make sense to raise the fees for people who would never use a dog park. A couple of dog owners offered to volunteer to clean up or pass out information if the City went in the direction of dog parks. The good citizenship being exhibited was impressive notwithstanding the fact that everyone was breaking the law. The dog owners were also sympathetic towards Animal Control. They are aware that there are not enough officers to regulate all parks. In addition, they realize that it is up to the owners to self-police and correct people who are not behaving. There were some people who said that they have had some bad experiences concerning dogs but the overwhelming impression is that Cold Spring Park is a good area for dogs and owners appear to be very responsible.

Houghton Garden – There is no open space in the garden and there are very narrow paths. The garden is located next to the MBTA tracks and dogs could conceivably get on the tracks. There are rarely more than one or two people inside the gardens at a time and they are invariably neighborhood residents. Houghton Garden is not a good place for a dog park.

Burr Park – The Burr Park is very large and is mostly fenced in with a few openings. Children at the local middle school use the park for baseball and soccer. A regular group of dog owners uses the park each morning between 7:45 a.m. and 9 a.m. and there is a less organized group in the early afternoon. There are often just singular people with their dogs playing all day long. The people who have their dogs off leash were very responsible, very affable and dog savvy. There was not a lot of dog waste but there was a little around the edges of the park. Everyone was from Newton or the dogs in their care were from Newton. A number of people were not cognizant of the fact that there is a leash law in Newton. One thing the Task Force might think about is to make sure that dog owners are aware of the leash law.

There was consistent feedback in terms of dogs being off leash. The people who have their dogs off leash love the ability to have their dogs off leash. The people who do not unleash their dogs think that having dogs off leash is a major problem, as they are walking their leashed dogs around or through the park. There was a pretty even split between the two groups. There are not a lot of people on the fields who are there without a dog. Many of the dogs at Burr Park were not under voice control.

Cabot Woods – There is a lot of coming and going of dogs off leash. Most of the dogs that go to Cabot Woods are off leash. There was not an over abundance of dogs at one time. One man impressed that most of the dogs are under voice control, however, there was a couple that continued to walk while their dog had stopped. Many people do not clean up after their dogs and there have been some incidents with dogs and children at the park.

Norumbega Park – There are two different types of dog walkers at the park. The off leash dogs were mostly confined to the center of the park and the leashed dogs were walking on the perimeter. The stewardship of the dog owners was impressive. Most people were very conscious of trying to clean up after their dogs. Dogs and dog owners heavily use the park, which is probably a deterrent if you do not like dogs. Many of the people in the park were satisfied with the situation at Norumbega. One person was very concerned about the parking for the park. There is not a large amount of parking around Norumbega Park.

At all parks there is concern about people letting their dogs run wild under no control. There is a question of the increase of work for the Animal Control Officers due to the monitoring of parks.

Ald. Albright met with Fran Rice, Fran Towle (Parks and Recreation Commissioner) and Carol Stapleton (Manager, Parks and Recreation Department), as there were no sites

forthcoming from the Parks and Recreation Department. First, the Parks and Recreation Department needs some criteria on what the Task Force is looking at for sites. It would be good if the Task Force can come up with criteria. Fran Towle suggested that any pilot program should be a win-win situation, so the park comes out the better for it at the end of the program. The Parks and Recreation Department feels very strongly that there should be citizen involvement in a pilot program. The Norumbega Park group is looked upon as a model group. The group is helping to preserve the park, to keep it clean and post signs and they self-police. Ald. Albright asked if the Task Force could come to a meeting of the Parks and Recreation Commission to discuss the dog parks. Mr. Rice stated that the Commission would be willing to give the Task Force time to address the dog park issue. Mr. Tucker felt that it would be important to have a fenced in area for the dogs to keep them in the control. Carol Stapleton provided Ald. Albright with some information she had obtained on the criteria for dog parks. Fran Towle suggested that one park be used as a pilot park but there is a problem with overuse if there is only one dog park.

Draft Ordinance

Marie Lawlor provided the Task Force with a draft ordinance for discussion purposes only. Ms. Lawlor used the Brookline model but tailored it to Newton and our Ordinances. When she looked into Brookline's ordinance, she found out that none of the information on the hours and seasonal restrictions are contained in the ordinance but in informational pamphlets. The actual ordinance is very brief and puts the dog parks under the auspices of the Brookline Parks and Recreation Department. All of the rules and regulations contained in the pamphlets were established and developed by the Parks and Recreation Department. There are many advantages to having fairly simple language in the ordinance and giving the Parks and Recreation Department and the Conservation Commission the authority to tailor rules and regulations pertaining to each particular park. The City needs flexibility to be able to change regulations if they are deemed ineffective without having to amend the ordinance. It makes sense to have the authorities that oversee the lands promulgate the rules and regulations.

Ms. Lawlor reviewed the draft including all of the conditions contained in the ordinance. It was suggested that condition #3 pertaining to removal of fecal waste be changed to immediately instead of before taking the dog from the designated area. Ms. Lawlor explained that there is a paragraph for initial sites for off leash areas that will allow for a pilot program. The ordinance also contains an advisory committee to be appointed by the Parks and Recreation Commission and the Conservation Commission. The committee would monitor the off leash program, make recommendations and report to both the Parks and Recreation Commission and the Conservation Commission. The Ordinance also allows for penalization of people who violate the ordinance, regulations or rules pertaining to the off leash program. The ordinance also provides for an expiration or change to the off leash pilot program through the recommendation of the Parks and Recreation Commission, the Conservation Commission and the advisory committee to the Board of Aldermen.

Ald. Fischman suggested adding termination of the program to the recommendations that the off leash advisory committee could suggest. He also felt that there should be a timeframe for the recommendation of termination should something occur. Ald. Albright brought up citizen participation and what the Task Force could create in an ordinance that would not break the bank of the program. Ms. Lawlor stated that the rules and regulations could contain criteria by which they will designate off leash areas without putting it in the ordinance. Mr. Rice pointed out that the Parks and Recreation Department is looking for the Task Force to come up with criteria. He referred back to Carol Stapleton's research regarding criteria for dog parks. Ms. Lawlor stated that the Task Force needs to determine whether criteria should be in the ordinance or part of the rules and regulations. Ms. Lawlor addressed designating volunteers for the dog parks and the sponsorship of dog parks similar to an adopt a park program. Mr. Tucker stated that it would be a probable tax break for anyone donating money to dog parks. Mr. Richardson felt that coming up with a new set off regulations without creating a win-win situation for both dog owners and the parks, the Task Force is wasting its time.

The question of what happens to the people who have already established their patterns and what about the people who look the other way in terms of obeying the leash law. If you do not have enforcement of the leash law where it is in effect, it is going to allow people to break the rules. If the leash law is not enforced, there is no downside to allowing a dog off leash in a park that is not part of the off leash dog program. Ald. Albright pointed out that by creating pilot areas it will possibly show people that something better can happen for everybody with the hope that if it works well enough the original areas can be expanded. Mr. Rice thought that perhaps the pilot areas were already indirectly established at some of the parks like Cold Spring Park and Norumbega. It was his feeling that it is important for the Task Force to keep the dogs away from parks used for sports. This is an opportunity to eliminate dogs at parks where they interfere with sport activities. Ms. Koel felt that if the Task Force designates a number of sites it will be a win-win situation because some of the parks that have been neglected or overused and improve them and there will not be a siphoning off problem. If there are certain parks that dogs are not allowed, it will be much simpler for the Animal Control Officers to enforce the proposed ordinance and leash law. Ald. Albright asked if the Parks and Recreation Commission and Conservation Commission would be open to this proposal. Mr. Rice was sure that both Commissions would work together to come up with the best possible solutions. Ms. Lawlor stated that it would not be a problem to include specific areas that dogs are not allowed to be into the ordinance. It is also possible to beef up the fines for dogs found in areas where they are not allowed.

Mr. Rice is willing to run the proposal by the Parks and Recreation Commission and Mr. Richardson will present the proposal to the Conservation Commission. Mr. Tucker stated that if there is a significant fine for allowing your dog into an area where they are not allowed it should curb dog owners from bringing their dogs to those sites. Ms. Dorfman suggested making the fine commiserate with the damage done. Ms. Lawlor believes that the largest the fine could be is \$300.

Mr. Richardson suggested the Task Force consider different hours for different parks. The Task Force needs to consider what the best utilization of the parks is for everyone. Some of the parks should allow dogs while children are in school and not when the park is being used by children. Ald. Fischman asked how parks are going to be monitored and maintained. He is aware that many dog owners will volunteer but how does the City ensure that volunteerism continues.

Ms. Lawlor asked for clear direction and intent before redrafting the ordinance. Ms. Koel felt that the Task Force had reached a consensus in terms of a draft ordinance. The Task Force needs to consider all parks, remove some because they will not work, setting time restrictions and requiring some sort of citizen involvement for each park and creating a list of criteria for the citizens. There was also a recommendation that there be a clause allowing for the Parks and Recreation and Conservation Commissions to review and make recommendations on each of the parks. Ms. Lawlor asked if the ordinance would include beefing up prohibitions and fines to include schoolyards, little league fields and tennis courts. The Task Force felt that they would like to include prohibited sites in the ordinance. Ms. Lawlor will redraft the ordinance for discussion at the next meeting. Mr. Rice and Mr. Richardson will speak with the respective committees they serve on about the proposed ordinance. Ms. Lawlor felt that the consensus was to take out any named pilot parks and leave it up to the Commissions to designate but that does not mean that the Task Force cannot write a report stating that the Committee established for off leash dog park can make the recommendation of which parks be used for the pilot program. With that, the Task Force adjourned.