

## **Off-Leash Dog Task Force Meeting Minutes** **Thursday, April 19, 2007**

Present: Ald. Albright, Amy Kohl, John O'Connell, Francis Rice, Norman Richardson and Richard Tucker

City personnel: Marie Lawlor (Assistant City Solicitor)

Ald. Albright and Marie Lawlor reported on their discussion with Sandy Pooler, Chief Administrative Officer, because there were many questions after the previous meeting regarding budgets and a department to support the proposed dog park committee. They provided him the basics of the off leash dog park concept and what the task force felt were good ideas. It was a preliminary meeting to feel out their thoughts about funding for dog parks and it would help to know whether the administration is in favor of the concept of dog parks. Mr. Pooler seemed to be very receptive to the idea of dog parks although he made no promises or decisions. Mr. Pooler understood the issue of wanting to find home for the proposed dog park committee. He will speak with the Commissioner of Parks and Recreation. Ald. Albright will also be meeting with the Commissioner regarding the proposed dog park committee.

Ms. Lawlor spoke with the City Solicitor regarding the possibility of using CPA funds for dog parks. It is a bit of a grey area. The CPA funds come with a lot of rules and regulations and the city has to be careful as to what qualifies for CPA funds. The city has to be especially careful when the city already owns the land and the city is not using the funds to acquire new land. The city is limited in what it can use CPA funds for but one of the things that the city can use funds for is to create new recreational uses on land that is already owned by the city. If the money were to be given for improvements, the improvements would have to create a new recreational use. Therefore, dog parks would need to be deemed a new recreational use. The City Solicitor would need to investigate further whether dog parks can be characterized as a new recreational use. When the time comes, the Board of Aldermen could look into that as a potential for funding. The funding would take care of some of the big-ticket items like fencing but it cannot be used for maintenance.

There is a question of whether private donations for improvements or maintenance of dog parks would be tax deductible. Ms. Lawlor explained that she does not believe that the Law Department can give an opinion. People would have to confirm with their own accountant. Ms. Lawlor stated that she could look further into the question of tax-deductible donations. There is a lot of precedent for the city accepting donations for different purposes. However, the city does not give tax advice to individuals.

Ald. Albright spoke with the Parks and Recreation Commissioner, Fran Towle, regarding whether the department was willing to be the home of the Dog Park Advisory Committee. The Commissioner does not want the advisory committee to fall under the umbrella of the Parks and Recreation Department. She feels that it would be awkward to have a Committee under the department that makes determinations on land overseen by other commissions or departments. Commissioner Towle suggested that the Planning Department might be the appropriate place for the advisory committee. There is already precedence of doing this type of work in this area in

the Planning Department. Ald. Albright spoke with Sandy Pooler, who will speak to both the Commissioner of Parks and Recreation and the Director of Planning to determine if either department is willing to house the advisory committee. She has not heard back from Mr. Pooler at this point. It was suggested that in order to alleviate some of the fears, it be stressed that the placement is for the purposes of administrative support. Several task force members felt that it would be easier to get a department to take on the responsibility of supporting the advisory committee, if there was a benefit. It was suggested that the Police Department might be the perfect department, as it may facilitate more cooperation from dog owners. Mr. Richardson felt that if the Police Department were involved it might build up more community support for dog parks. Ald. Albright will speak with Mr. Pooler regarding the idea of the Police Department supporting the advisory committee.

Mr. Tucker visited the Town of Brookline to get more information on how their off-leash dog program is set-up. Unfortunately, the person at the Parks and Recreation Department was at a conference all week. However, he spoke with Nancy O'Conner who is on the Recreation Board and she provided Mr. Tucker with an update on the program. Mr. Tucker also went to the Selectmen's Office in Town Hall to find out whether the program is included in the budget. There is not a line item in the budget because it is not enough of an expense to call it out in the budget. Mr. Tucker also learned that the only park that they closed during the pilot program was a small park called Winthrop Park, which is the only one that is fenced. The park became overcrowded with dogs and residents complained at a public hearing. All of the other parks are either athletic fields or parklands and they are only open to dogs until midday. The hours differ from season to season and park to park. If there is any maintenance scheduled at a park, the dogs are not allowed. Overall, the program is working very well and there have not been large expenses. However, there is a need for more trash barrels and more frequent pick-up of the trash. The liaison people for each park for the most part are very responsible and responsive to complaints.

The task force discussed the necessity of a liaison person for each park. Officer O'Connell felt that it was essential that there be more than one person (Animal Control Officer) to speak with dog owners. There needs to be someone who will take some leadership responsibility. It cannot be assumed that the dog parks will take care of themselves. Commissioner Towle feels that dog parks need to be a win-win situation. If the city is going to give privileges to off-leash dogs, then the parks ought to benefit in some way. Mr. Tucker stated that overall there is a general feeling that the fields in the Town of Brookline are cleaner and better maintained since the inception of the off-leash program. The people using them take care of the parks and are aware that if the parks are not clean and maintained then the program will be shutdown. An off-leash program would also take dogs away from Little League fields and parks at inappropriate times. Mr. Rice feels strongly that major Little League fields should be excluded at all times and the rest during games. This would give the opportunity for a win-win situation for both the dog owners and the city. Mr. Tucker also asked the Brookline contact if the dog owners' behavior has changed since the dog parks were established. The response was that it is hard to measure but there seems to be a little improvement. In addition, the selection of parks was based on the parks that were already being used by dog owners with dogs off leash.

Based on the last meeting of the task force, Ms. Lawlor has made some changes to the draft ordinance. The first change is to the advisory committee portion of the ordinance by placing it under the auspices of the Parks and Recreation Committee. There is a strong possibility that Parks and Recreation will not oversee the dog park advisory committee, therefore, that change will not remain but whichever department oversees the advisory committee it will be placed at that point in the ordinance. There was some discussion whether there was another appropriate department for the advisory committee to fall under. The other department that was suggested was the Planning Department, as the Conservation Commission is located there.

Fran Rice asked how the city was going to organize the different groups in each area to police this off-leash program. Ald. Albright explained that the city is not going to organize this; the groups are going to come forward for each park. There seems to be a loosely connected group of dog owners at every park already. Mr. Rice asked how the city was going to get the groups in to explain how to establish a dog park. The city must have a group at each park to work with the advisory committee to clean the park, keep the program at the park running and keep it under control. The committee will need to publicize the dog parks, the groups will form, put their proposals before the committee and the city committees will either approve it or not. The Chief Administrative Officer, Sandy Pooler, is attuned to the fact that there needed to be some outreach and public education.

The second change involves criteria for the selection of sites for dog parks. The task force left it implied that the advisory committee would be doing its own criteria and then recommending sites for selection. The feeling of most of the committee was to put something specific in the ordinance. The change to the ordinance reflects the minimum criteria. Criteria for actual site selection, whether it be areas of the city geographically, size of the park, use or whatever else is left to the advisory committee for the specific sites.

There is an additional paragraph in the ordinance addressing the concern of having a procedure for receiving and logging complaints. The draft ordinance now states that the advisory committee shall establish a procedure for comments and complaints concerning the dog parks. It also states that the log will be available to the custodial agency and the Board of Aldermen on a monthly basis. Mr. Tucker asked who's responsibility it would be to receive and log the complaints. Ms. Lawlor responded that it would be up to the advisory committee to determine. Mr. Tucker pointed out that it could turn into a significant amount of work. Ms. Lawlor stated that it was suggested that the procedure would be to have the complaints go to the city's general complaint hot line. The Citizens' Assistance Officer generally handles all the complaint driven calls, which may be a solution. Ms. Lawlor does not want to put that in the ordinance because that may change. Ald. Albright suggested that a website for complaints could be established with a form for complaints. Ms. Lawlor does not think that the ordinance should be too specific regarding complaint procedure, as it will be up to the advisory committee to establish the procedure and they will need flexibility. Mr. Tucker explained that he is not looking for more specificity but less by stating that the log be available to the Aldermen or custodial agencies as needed. The task force suggested that if a web site or phone system is created that it be under the care of the Police Department to give the Animal Control Officer access to complaints and comments.

The task force discussed the portion of the ordinance addressing notification of abutters and other residents about a possible dog park site. Mr. Tucker pointed out that the Parks and Recreation Department would like to notify the abutters. Mr. Rice concurred with Mr. Tucker. Ms. Lawlor suggested that the ordinance state that prior to designating a site as a dog park the custodial agency shall take such steps, as it deems appropriate to notify and solicit opinions, etc...

Mr. Tucker believes that the ordinance needs to reflect that in all cases the decision of the custodial agencies shall be final. Ms. Lawlor pointed out that the ordinance does state that the agencies have control of the sites. She said that she can add a phrase further clarifying that the custodial agency has the final decision on every proposed location. Mr. Tucker felt it was important to make it very clear that the custodial agencies are not losing any authority over the lands.

Ald. Albright has read over a memo from Martha Horn of the Planning Department. The task force has taken care of the requested changes to the ordinance. The rest of the memo contained requests for further information, which will be provided.

The task force will ask Sandy Pooler to work to find a home for the advisory committee, whether it be the Planning Department, Parks and Recreation Department or the Police Department. In addition, the task force and Mr. Pooler need to investigate sources of funding for signs, informational brochures, education, barrels, trash pick-up and possible fences. The task force discussed the possibility of CPA funding for the fences. Marie Lawlor cautioned that the task force should not count on approval from the CPA. She will investigate further whether it is an appropriate use of funds. It is difficult to proceed with the CPA funds without a specific proposal to put forward. It was suggested that the task force should confer one more time with the Conservation Commission and Parks and Recreation Commission to ensure that their concerns have been addressed before reporting to the Board of Aldermen. Norm Richardson and Fran Rice will arrange discussion of the changes with their respective commissions. Ms. Lawlor will revise the draft before the next task force meeting.

Mr. Tucker raised his concern that even if the ordinance for dog parks is passed, it will not change behavior quickly. It will make the Animal Control Officer's job more difficult. Officer O'Connell responded that it will be more difficult for a while but he thinks in the end that it will change behavior. When Ms. Lawlor and Ald. Albright spoke with Sandy Pooler, he thought that public education over a period is going to work wonders. He felt that the public outreach was really a key element. If the meeting with the two commissions go well, the plan is to forward the report and the new draft ordinance to the Programs and Services Committee for discussion in May or June.