

Off-Leash Dog Task Force Meeting Minutes

Thursday, June 15, 2006

Members present: Ald. Albright (Chair), Amy Koel, Paula Palumbo, Norman Richardson and Richard Tucker

City staff present: Marie Lawlor (Assistant City Solicitor)

Draft Ordinance

The task force reviewed the revised draft ordinance. Marie Lawlor incorporated changes requested at the last meeting into the draft ordinance. There are still outstanding issues that need to be looked at. It is not clear whom from the Conservation Commission and the Parks and Recreation Commission will be on the oversight committee or whether it would be a citizen, advisory person or staff person. The direction of the previous discussion seemed to indicate that it would be staff from the Parks and Recreation Department and Conservation Commission, as they would be most familiar with each site. The Committee would be reporting to both commissions. There is the issue of funding sources for the staff. It seems that most of the staff is overtaxed already without adding additional responsibilities. It is important to get feedback from the two departments.

The first portion of the ordinance addresses the minimum conditions that a dog may be off-leash. The Conservation Commission and Parks and Recreation Commission will be responsible for the more stringent and detailed conditions. There was some question of how well the two commissions work together and if they will be at cross-purposes. There is currently a good working relationship with the Parks and Recreation Department; however, there may be some differences. There is the potential that neither will want the pilot program on their land. Task force members pointed out that Brookline has set up its pilot program in the same way and it has been successful. It was pointed out that Brookline has on the field people who are actually making the rules and regulations for each park. It is not someone who is not present and aware of what is going on at that particular park. It is also possible that the two commissions will have different rules. It needs to be made clear that the commissions are not being forced to be one group when it comes to regulating the parks. They are being asked to regulate their land and no one will have power over anyone else. It might be good to work in that each commission will publish rules for their land.

The task force reviewed the minimum conditions for dogs off leash. There was a question of whether a dog of four months old is still too young to be off leash. It seems more important that dog owners have control over a more mature dog, if it were going after a puppy. It is the decision of the dog owner whether to allow their dog off leash. Bad things are going to happen but also very good things will happen. In Wellesley, the

dog officer stops at parks and requests that owners call their dogs and if the dog does not respond right away it goes back on leash. Perhaps that is something that Newton could implement.

The task force then discussed the designation of sites as off leash areas. It appeared that at the last meeting it was the consensus of the task force that the Parks and Recreation Commission and Conservation Commission should designate the sites subject to their control. The draft ordinance also includes language requiring a public hearing to be held before a site is designated as an off-leash area. There was a question of how much validity a public hearing would have. Ms. Lawlor stated that the task force might opt not to have public hearing language in the ordinance. Brookline includes guidelines for meetings on dog parks but does not require a public hearing. There was discussion on how to notify people of a meeting on the possibility of a dog park in their area. It could be advertised in the paper, promoted on NewTV and placed on sandwich boards in the neighborhood. The consensus of the Committee was to remove the requirement of a public hearing from the ordinance. The Committee felt that the ordinance should be as clean and simple as possible giving flexibility to allow for trial and error.

The discussion moved onto the composition of the advisory committee. The composition is modeled after the Traffic Council. It is important to include all departments with City that owns parklands; as if they are not included, they will not have dog activity on their land. There was some consideration of including representation from the Department of Public Works, as there has been discussion of using the top of the landfill at Rumford Avenue. There was some concern about what the perspective of the Conservation Commission is, as they are more interested in a reactive role not a proactive role. They are interested in entertaining proposals but not offering land for dog parks. It was pointed out that the Dog Off-Leash Advisory Committee would be making the proposal of the use of certain lands as dog parks and the Conservation Committee would then either approve or deny the use.

The next portion of the ordinance addresses consideration for designation as an off leash area. Ms. Lawlor explained that she has given two different alternatives for some of the language included in this portion of the ordinances. She was not sure whether the task force wanted to have language that gave preference to a site if a local citizen group would take responsibility for maintaining the site or require that a site have a local citizen group to take responsibility before it can be considered for designation as an off leash dog park. The task force felt that it should be required that there be a group to take responsibility for the park. In addition, the group should provide a plan of action for the park during off leash periods. The question of whether to require a dog to be licensed in Newton arose. It is likely that if there are off leash dog parks in Newton non-residents will bring their dogs. It seems that this should not be a problem as long as the dog owner is responsible. In addition, there should be a rule stating that a dog must be on leash exiting and entering a park until it reaches the off leash area.

The draft ordinance also includes language stating that the advisory committee will recommend to the commissions the rules, regulations and time restrictions for off leash

areas. The committee will also recommend any revisions to the rules, regulations or time restrictions for any or all designated off leash areas. This language will allow for amendments if something is not working. The ordinance also requires the advisory committee to monitor and evaluate the off leash program and report back to the commissions on a monthly basis. The task force felt that instead of on a monthly basis it should read on a regular basis or when requested.

The task force then discussed the sunset provision. The question of whether it would require an ordinance amendment to extend the program arose. Ms. Lawlor stated that it would require an amendment. There was some discussion of whether the task force felt that a sunset provision was necessary. It would be up to the Board of Aldermen, Conservation Commission or Parks and Recreation to terminate the program. A year seems like a very short time for this program.

It was suggested that the advisory committee might be superfluous, as they are not empowered to make decisions. It ought to be a dog commission consisting of Parks and Recreation and Conservation Commissions. The representatives designated to sit on the advisory committee are from the Parks and Recreation Commission and Conservation Commission among others. There was a question of whether the Conservation Commission would be supportive. Mr. Richardson felt that the concept of designating someone to represent their interest and participating would work. There was also a suggestion to immunize the volunteer citizen group from litigation or limitation of their responsibility or both. The task force decided to strike the language "in accordance with the rules and regulations established for its use" in portion of the ordinance stating the commissions shall give preference to proposed sites for which a local citizen group will take responsibility for maintaining the site in accordance with rules and regulations established for its use.

It was felt that there should be a number of off leash dog sites approved and opened at the same time to avoid overcrowding of one park. It was suggested that a date be set when all of the proposals are decided, so they are all done at once.

There was a discussion of whether to give the Board of Aldermen veto power over the selection of sites. Ald. Albright felt that the Board probably did not need to be involved in site selection; however, the task force should submit a comprehensive report or letter detailing the work of the task force. Most people do not know what city departments has jurisdiction over pieces of property. Maybe the ordinance should leave open the process of nominating spots that be available but has to clearly limit or exclude school buildings, school yard, tot lots, little league fields and playgrounds. Ms. Lawlor pointed out that there are already exclusions in another portion of the ordinances. She believes that little league fields need to be added to those exclusions.

There is an enforcement challenge regarding the parks. It was proposed that the advisory committee does not just appear to be a process but represents neighborhoods, people who own dogs and people who are already active in the community. Ald. Baker pointed out that it is important to have the advisory commission be seen as a disinterested body,

although their recommendation has to carry a lot of weight with the Conservation Commission, Parks and Recreation Commission and the Board of Aldermen. If the advisory commission is just the arm of any specific advocacy organization, it is not going to work. Ald. Albright felt that a smart group that cares about Newton might carry a lot of weight. Both getting past the Board and to have some confidence in the other end that the recommendations are going to have the some weight behind them, would be an advantage to the process.

The task force returned to the question of having some type of process that runs quarterly, semi annually or annually so that more than one park is established at one time. The ordinance could contain language stating that the Parks and Recreation and Conservation Commission may consider potential sites for which a local citizen group will take responsibility for maintaining and approve them all at once. A possible solution is to have one park in each ward designated as part of the off leash program. If that route is chosen than not only should the places be ones that citizen groups come forward with but also places the commissions might propose because what will happen if there are not proposals from every ward. There was concern about specifying a given number. There may be too many constraints and forcing it into a system. If you view this from a human behavior that people are going to be taking their dogs to a certain area. If you view the landscape, there are places that people go and do not go. It should be viewed as an opportunity to bring some of the interests other than dog walkers into the picture by getting people to take responsibility. It would be great to see every place where people are currently using dogs to identify some people who would come, take responsibility, and make proposals. We are going to have proposals from most areas where people are using land right now. The advantages for the resource trustees are that there will be a modicum of control and everyone will be working towards a common good. However, the concern that a portion of the parks will go through and there will be redistribution is a valid concern. Perhaps there should be a critical mass in the first go round or may be there should be a quarterly designation of sites. It was suggested that there should be an initial deadline for nomination of spaces. One of the concerns with having this requirement is that people will be hesitant to nominate a park in fear that it will be the only one and become overcrowded. It was suggested that the ordinance should say that designation of parks should insure that no single area would be overwhelmed than you do not have arbitrary number.

The task force returned to the composition and whether it should be advisory or a real commission. There needs to be a minimum of five members. There is some flexibility in the representative appointments by the Parks and Recreation and Conservation Commissions. The ordinance allows the commissions to designate one of their own members or a staff person. There was a question of whether to include the animal control officer on the commission. There was a suggestion of making the dog officer ex-officio or sort of on call for the commission. The task force held off on deciding this as Officer O'Connell was not present to comment. There was thought that there ought to be some forum for people who are in the various locations. It would be a way for citizens to feel they are part of the process. The task force felt there was an immense benefit to including citizens on the committee and opted to include three citizens to be appointed by

the Mayor. It was decided that there does not need to be an alderman on the commission. However, the ward aldermen would have the opportunity to appoint two residents of their ward to work with the committee in the review of off leash parks.

The ordinance should be streamlined and allow the committee to come up with the responsibilities. The details and criteria should be developed by the committee much like the Brookline model. The Brookline model has a person who is designated as a warden for each park. The task force will review the Brookline ordinance at the next meeting to see how they set up their local community groups. The responsibility issue is very important whether it is in the ordinance or it is commonly understood. There has to be people taking responsibility in order for this to work and that needs to be made explicit. The question of how to encourage people to be responsible arose and it was suggested that a sunset clause would help people realize that unless they comply they will lose the privilege. Secondly, there should be a provision in the ordinance that among the considerations that the commission will use to determine whether to remove or modify a designated area is the compliance with the ordinance by the citizens group to properly maintain the area. This would build some incentives for the citizen groups to take responsibility. The committee would issue guidelines and the relative criteria that would be communicated to each of the areas. It was suggested that two years was an appropriate amount of time for the sunset clause.

There was discussion of contributions to park maintenance. It would be nice if a neighborhood has a group that participates by posting notices, providing clean-up material or lawn materials that somehow that can be made into a tax-deductible contribution to the City. If the program turns out to be successful there may be a need for a funding mechanism to buy materials. There was a suggestion of possibly establishing a revolving fund for contributions. There will be continued discussion on contributions at the next meeting. The discussion at the meeting will also include discussion on the report to the Board of Aldermen at the next meeting.