

Off-Leash Dog Task Force Meeting Minutes
Thursday, September 15, 2005
City Hall, Room 202

Present: Ald. Albright (Chair); Dr. Amy Koel, Citizen Representative from ward ½; Patrolman O’Connell; Paula Palumbo, Citizen Representative from ward ¾; Francis Rice, Parks and Recreation; and Richard Tucker Citizen representative from ward 7/8.

Absent: Ald. Fischman; Norman Richardson, Conservation Commission; Dr. Leslie MacGregor Levine (Vice-Chair), Citizen Representative from ward 5/6

We began with agenda item #3: input from citizens opposed to Off Lead Dog Parks.

Ms. Charlotte McGowan spoke first. She is a dog owner, breeder, author, judge for the AKC, Legislative Liaison for the Massachusetts Federation of Dog Clubs and Responsible Dog Owners, National Animal Interest Alliance, [Susan, check titles please; I think you have the sheet with her official ties to these organizations.] She noted that the most import element in preventing problems with dogs is a leash law. She noted that dog parks were being established across the country and she distributed a booklet from the AKC with suggestions and guidelines about the establishment of Off Lead Dog Parks. She discussed the importance of training our dogs in the service of keeping them, and humans, safe. Responsible training is more of a tradition in the UK than in the US. When dogs run loose, as in parts of Newton, and enforcement of leash laws is impossible with current staffing, problems result. She noted an incident where a person was injured in a dog park by the actions of a friendly dog. At Norumbega Park, there are many, many dogs running loose. She suggested establishing Off Lead Dog Parks at Norumbega and/or the old ball field at Cold Spring Park and prohibiting Off Lead Dog Parks at any other location. She owns Papillons (very small dogs) and it is dangerous for her to take her dogs to parks where other dogs are running loose. She objects to the use of any field where children play. She noted potential dangers for children of Off Lead Dog Parks. She also discussed the possibility of using a screening tool for any dogs that would be allowed in Off Lead Dog Parks – the Canine Good Citizen Test (CGC), which is a test of dog manners/behavior, and the control owners have over their dogs. Charlotte distributed leads from the AKC saying, “Love your dog – Leash your dog.”

Ms. Lisa Von Moltke spoke next. She lives near Cold Spring Park. She has had to fence her backyards to keep dogs that had been playing Off Lead in Cold Spring Park out of her property. She noted that some types of people are particularly at risk from dogs running loose, e.g., people with gait issues and children. She cannot run in the park anymore, for fear of being chased or jumped on by dogs off lead. There have been several dog-related incidents involving the cross-country team that runs in Cold Spring Park. She noted that there would be neighborhood resistance to the establishment of a dog park in Cold Spring Park unless the area is fenced and the access to it is controlled.

Ald. Albright drew parallels between the comments of these two citizens and the position of the Newton Dog organization: both agree that dogs off lead are a problem and are seeking a solution.

Mr. Rice noted that dogs use all parks in Newton and that enforcement will be problematic. We have only two dog officers.

Ms. McGowan noted that fines for illegal off-lead dogs should be substantial, and could be increased with each additional infraction, resulting in impounding the dog on the (e.g.) fourth infraction.

Others noted enforcing tickets issued to people from other communities would be problematic. Many dog bites are unreported. There is rabies in the wild animal population. Only an estimated ½ of Newton's dogs are licensed.

Patrolman O'Connell reported that 99% of Newton's dogs are up to date on their rabies vaccinations.

Attorney Marie Lawler spoke next. She is concerned about enforcement and the ultimate practicality of any ordinance and noted, in response to a question from Ann Dorfman (Newton Dogs), that we cannot restrict non-Newton people from Newton's parks and property, and that restricting participation in off-lead parks to dogs with a Newton license (or any similar restrictions) is not practical. Ms. Dorfman noted that this has been done in other Off Lead Dog Parks across the country. Mr. Tischler (from the audience) noted that many towns on Cape Cod do not restrict non-resident access to beaches but do restrict non-resident parking access to beaches. The wondered if this is a technique, which could be used in Newton.

Ald. Albright proposed that the committee spend some time discussing these issues, that we have had input from various sources, but have not had time, as a committee, to process this information.

Mr. Tucker suggested that the committee propose specific criteria for Off Lead Dog Parks including: location, conditions for use, fees, enforcement and penalties, and that the committee use these to stimulate discussion.

Ald. Albright noted that we could use the process of the development of the noise ordinance as a model and use the examples of dog parks in other communities (which we have already reviewed) as a basis upon which to proceed.

Others noted that there is open-space and in Newton that is not being used and that might be possibilities for Off Lead Dog Parks that would prevent or minimize interactions between dogs and people who do not want to be in contact with dogs. We can select places for Off Lead Dog Parks according to what is available and suitable, not necessarily places where dog owners prefer to go. Changing habits will be critical, and difficult.

Ms. Florence Rubin has provided some information from Seattle that will be distributed.

Ms. Palumbo worried about dog walkers from other communities and the number of dogs they bring, and the lack of accountability.

One suggestion: Perhaps we can limit the number of dogs/person at any Off Lead Dog Park.

Patrolman O'Connell said that it was not just dog walkers who cause problems - that most incidents involve dogs and their owners.

Ms. Dorfman commented that she wants greater symmetry between behavior and the law, that the lack of it creates problems. E.g., dog owners who have their dogs off lead are reluctant to report problems with other off-lead dogs and owners.

Attorney Tishler reminded us that there are two relevant ordinances. One prohibits dogs from running at large; the other requires a leash 10 feet or less. Although we cannot enforce these now, some laws are promulgated for deterrent purposes and that this is a legitimate reason. He discussed three main points: 1) The functioning of the dog leash law is not effective due to lack of personnel; 2) We need to pay attention to facts and we must have measurement of any posited negative effects of changes in the leash law and/or relevant situations (e.g., what are the real environmental effects and do we really know that most Newton dogs have rabies vaccinations); 3) Enforcement/funding/fines is another problem and we have to pay attention to that, but legislating sensibly and attempting enforcement is better than nothing. He said that changes have to be aspirational not necessarily enforceable.

Others noted: Many parks are simply too small for the number of dogs that will occupy an Off Lead Dog Park. Some advocate the use of Little League fields during the months they are not being used for play. Brookline, however, does not use school department property for Off Lead Dog Parks.

A resident living near Cabot Woods spoke next (we will find her name). She commented that her children would not go into Cabot Woods anymore because they have been jumped upon too many times by dogs running loose there. She recounted one incident in which her son was sledding, a dog jumped on him, resulting in a black eye. The dog was pleasant; the owner was nice and apologetic, but the incident occurred nonetheless. She reminded the committee that Cabot Woods is not school department land, but is still utilized by the community.

The discussion turned to possible funding of any Off Lead Dog Park. Ald. Albright noted that there are not obvious funding possibilities from the city and alternative funding mechanisms need to be explored. Several committee members agreed that this merits attention and that there are other ways to fund the parks: public-private partnerships, user fees, dog licenses (though a committee member reported that these go into the general fund and are not allocated to dog-related expenses).

Ms. Dorfman explained that there are different ways to approach a new regulation – very general or very specific. A general ordinance might be: dogs are allowed off lead in designated areas at particular times. A more specific ordinance might detail the locations, times and permissible users. The advantage of the general ordinance is that it is more easily altered, without the need for a vote of the Board. An advisory board could be set up with authority to regulate the parks.

Attorney Tishler noted that we might create citizen commissions to peer-mediate disputes resulting from the use of any Off Lead Dog Park.

Ald Albright will report to President Baker.