



Newton Parks & Recreation Commission Meeting

Newton City Hall, Room 209

Monday, January 26, 2009

Attending: Francis J. Rice, Chairman, Walter Bernheimer, Vice Chairman, Kathleen Heitman, Lee Mottard, Arthur Magni, Peter Johnson, Peter Kastner, Alternate, Jack Neville, Alternate, Fran Towle, Commissioner, Robert DeRubeis, Deputy Commissioner, Carol Stapleton, Manager, Robin McLaughlin, Secretary.

1. The Minutes from the December 15, 2008 Commission Meeting were accepted 5-0. (Not all members were present at the start of the meeting)
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - There is currently a 3% budget cut, approximately \$122,000.00 and may be increased based on revenues. Commissioner Towle is anticipating meeting with the Executive Department for further discussions and will report back to the Commission at the next meeting.
 - Tonight the Department is appearing before Finance to request an additional \$340,000.00 for snow removal to date for this season.
 - The Department has been working with Newton West Little League (NWLL) on the Lyons Park athletic field lighting project. NWLL is working toward the final electrical design plans needed to acquire City permitting. A topographic survey determined that the proposed pole locations fall outside the floodplain, so review by the Conservation Commission is not required. NWLL is working with a geotechnical consultant to determine the existing soil conditions, as they will impact the structural design of the light pole footings.
 - The Camp Fair is scheduled for February 3rd in the War Memorial at City Hall. The Department has expanded the vacation programs which appear to be a growing need in the community.
 - On January 22nd the Crystal Lake Task Force held a public hearing and presented its recommendations on site plan improvements for public comment. The Task Force will present its findings to the Commission at the February meeting.
3. Crystal Lake – “Swim at Your own Risk” – Fran Towle introduced Board of Alderman President, Lisle Baker. President Baker recognized the work that has been done by the Commission and by the Site Manager, Carol Stapleton. He is here because some constituents are asking if the Crystal Lake Summer Program could have an extended season. The Commissioner and Carol Stapleton appeared before the Programs & Services committee to explain the back ground, history and challenges faced with staffing. Alderman Baker stated there are unsupervised swim areas and he would rather see the swim activity done in a lawful way.

Commissioner Towle introduced City Solicitor Dan Funk. Mr. Funk recommended to the Commission that if the City was going to do anything different at Crystal Lake, then the Commission would need to amend the regulations. Commissioner Towle pointed out there are two issues; the first issue is the practical issue of the availability of lifeguards and the second issue is the legal issues allowing people to swim at their own risk. Mr. Funk pointed out that there would be no liability issues because of the “Recreational Use Statute” that states; if a land owner allows the use of their property for recreational use and there is no fees charged for the use and there is no gross negligence, then there is no liability. When the City charges a fee, there is liability to the City. If a “swim at your own risk” policy were adopted by the Commission,

signs would be posted and if we have not left the location in a dangerous way then the City should be free of liability.

Chairman Rice wondered if the docks, ropes and Aquator should remain in the water. Mr. Funk responded that if these items could be damaged or provide an unsafe area they should be removed. Jack Neville wondered if we were to have a swim at your own risk policy, should the building remain open.

Walter Bernheimer commented there may be administrative issues having two swim seasons. One season that allows "swim at your own risk" and a season that does not allow "swim at your own risk".

President Baker stated that "swim at your own risk" is an option but he also has requests for supervised programs after the regular season has ended. President Baker thought that residents are not looking for year round swimming, only an extension of the regular season, preferably with supervised swimming (lifeguards).

Commissioner Towle is in favor of supervised swimming but is reluctant to open the Lake to a "swim at your own risk" policy at this time, as it would be a very big neighborhood issue especially for parking and crowd control. Carol Stapleton commented that she has witnessed the issues cause by illegal swimming at both Cronin's Cove and Levingston Cove within the neighborhood. Carol explained that on days when there are a lot of illegal swimmers especially in the Cronin's Cove area, she has invited people to swim for free at the supervised area if they cannot afford the cost of a permit. Carol also commented that it was her impression that a "swim at your own risk" policy would be something similar to the Town of Wellesley. After Wellesley closes for the season, the Town strips the beach area of their docks, ropes, closes the building and posts "swim at your own risk" signs.

Arthur Magni thought "swim at your own risk" would affect the regular season, as people would question why they need a permit if they can swim without a permit in other areas.

Carol mentioned that records show that bacteria levels have increased in mid-August in the supervised swim area and certainly would increase if the Aqualator is turned off. Each day, the staff takes secchi disk (water clarity) readings and if the readings are below 4 feet the Health Department is notified immediately. Mr. Funk commented that signs would have to be posted notifying swimmers that the water is not checked by the Health Department.

President Baker explained that the City has spent millions of dollars on this very beautiful site and requested that we explore the possibility of an extension of the season or adopting a "swim at your own risk policy".

Commissioner Towle commented that more study and research into a "swim at your own risk" policy would be done by staff and presented at the March meeting for further discussion. President Baker agreed that all options should be researched and reviewed.

4. Relay for Life- postponed to February Commission meeting
5. Kristen St. Marten- 5K walk/Run fundraiser request- Kristen St. Marten, President of the Paul St. Marten Charitable Corporation is requesting permission to hold a 5K walk/run fundraiser in memory of her father, Paul St. Marten. Ms St. Marten is requesting the use of Week's Field on May 24, 2009 from 8:00am-11:00 am for this event. Set up for the event would begin at 6:00 am and clean-up would be completed by 1:00 pm. Paul St. Marten passed away from a heart attack while jogging in Newton Centre. Ms St. Marten explained why they chose Weeks Field; everyday her father Paul would start and finish his run on Paul Street near Weeks Field. The Paul St. Marten Charitable Corporation is a non profit organization donating money raised for preventative cardiac research. Ms. St. Marten presented her request for the 5K walk /run in a power point presentation (*on file*). Questions raised by the commission:
 - Will the neighbors be notified of the speaker system? The answer is yes, the neighbors will be invited to the next Commission meeting for a presentation of the event request.

- Is there any concern of turf compression of the field? The answer is no, the event will take place on the northeast side of the field. The tables will be in the area of the softball field.
- Has the route been approved? Yes, the route has been approved by the Police Department and the Department of Public Works.

The following motion was made by Lee Mottard: “The Paul St. Marten Charitable Corporation may move forward with their plan for a public hearing.” Walter Bernheimer seconded the motion. The motion passed with a vote of 8-0.

6. James J. DeVellis-Civil Engineer on behalf of his clients at 24 Warren Street made the following request and presentation to the Commission: “The Goldman-Sevransky family lives in Newton and has recently purchased 24 Warren Street where they are currently permitting and constructing their new home on 2.5 acres. The Goldman-Sevransky family would like to offer several off-site improvements to the immediate area which we believe are mutually beneficial. In brief, the first improvement is to improve the terminus of Warren Street. In place of an abrupt end of pavement, a small cul-de-sac with two designated parallel parking spaces, a foot path to Webster Woods, plantings and drainage improvement are proposed. Pedestrian access past this cul-de-sac will remain and will be enhanced by the addition of a compacted stone dust path; however everyday vehicular access will be controlled and limited to the parking spaces and cul-de-sac. The second improvement is to remove the overhead electric lines and poles running along the horseshoe section of Warren Street and place them below ground. This is proposed within the existing open pathways and with minimal tree removal. The current state of the overhead wires is potentially problematic. The removal of these lines will limit tree damage and add great aesthetic benefit to Webster woods.” Mr. DeVellis and his clients are before the Commission to seek permission to move forward with the plan. This plan is in the initial stages, they have the house plans and they have been before the Conservation Commission, spoke with BOA President Lisle Baker regarding conservation restrictions and they have been before the Police and Fire Department, they have not been to the City’s Law department. Mr. DeVellis passed around a GIS map of the area. Questions & Comments from the Commission Members:
 - Mr. Kastner asked if they have spoken with Dr. Otto Barnett, who was researching the same property. Dr. Barnett and the neighbors did a lot of work on topography and would have a lot of valuable information about the area. Mr. DeVellis responded they had not spoken with Dr. Barnett
 - Mr. Kastner asked if there are any wetlands in the area, Mr. DeVellis responded Thompson brook is in the area but there are no wetlands. Mr. Bernheimer asked how much variance would be required to build near the brook; Mr. DeVellis responded that no variance is required.
 - Mr. Magni asked what type of sound barrier they were planning to use. Mr. DeVellis stated they had not decided on the type of barrier at this point in the planning process. He noted the barrier would be ~500 feet from the property and they would like to have the barrier blend in to the area and Mr. Goldman would be responsible for upkeep of the barrier. Mr. Mottard asked if the noise is really that bad of an issue. Mr. DeVellis responded the barrier would reduce the noise from the train (Green Line) that runs through the area. Peter Johnson asked why the sound barrier is not on the property line. And what is on the other side of the Green line? Jack Neville asked if there are buildable lots on the property and what is going to happen with them/ Mr. Goldstein stated the current plan does not include any development. Mr. Bernheimer asked if the Conservation Committee raised the possibility of restrictions. Mr. DeVellis responded no. Mr. Goldman responded he has bought the house and is currently planning to do organic landscaping and preserve the property for his children.
 - Chairman Rice asked Commissioner Towle for any comments. Commissioner Towle has concerns related to the placement of the sound barrier. In the future if the City decides to develop the land, she would not want the sound barrier to be an issue. Commissioner Towle

recommends working with the Planning Department. Mr. Bernheimer stated from a Community Preservation stand point: he would demand a conservation restriction because the barrier itself adds value to the property by reducing the sound. He understands Mr. Goldman would be paying for the barrier but they are also requesting an easement on recreation land and the City is getting nothing in return. Mr. Goldman has offered to maintain the City's fields at his own expense and reiterated the value of eliminating the sound from the area.

- Mr. Kastner stated it is an interesting concept of a private owner using and caring for public space for private benefit and the City receives no benefit, are we setting a precedent? There should be more planning before receiving approval. Mr. Mottard asked if a precedent is set and is mutually beneficial, what the down side is. Mr. DeVellis asked the Commission if he may proceed with the plan. This is only the first step.
- Commissioner Towle has received an e-mail from Anne Phelps of the Conservation Commission stating there is a newly certified vernal pool near the area and she has suggested Mr. DeVellis, their environmental scientist along with Anne Phelps go out to the area in the Spring. Mr. DeVellis stated he had a botanist recently go out to the area and there was no vernal pool.
- Mr. Steve Garfinkle of 40 Warren Street is concerned about the parking issues on the private road; he is not against the plan which he has discussed with Mr. Goldman, but would like them to take into consideration the parking issues with the new plan.

The Commission closed the presentation agreeing Mr. Goldman & Mr. DeVellis should move forward with the plan.

7. NSHS- Athletic Fields- Lou Taverna, the City Engineer and Paul Tyrell of Gale Associates presented the plan for the plan for the NSHS Athletic fields. This is going to be a synthetic field, made of crushed rubber. The issues faced at the field were flooding and compaction of the soil and maintenance issues. There will be an athletic field, a softball field, a multipurpose field, fences, 800 seat bleaches, and a site for a future concession stand. The plan is currently in the permitting stage. Chairman Rice asked how deep they are going to be digging. Mr. Tyrell responded they will be digging down 14". The water table is at 5-6 feet. Ground water monitoring has been in place for a year. Jack Neville asked what is involved with the maintenance of the synthetic field. Mr. Tyrell stated the field will have to be brushed two times per year. Arthur Magni asked if there is concern about the rubber material going into the ground water. Mr. Tyrell is not aware of any concerns. Commissioner Towle asked about putting the maintenance of the field in the bid specs. Ted Tye of Gale Associates said there is maintenance being added to the bid specs and currently there is \$500,000.00 maintenance endowment in an account for maintenance of the entire complex. Parks & Recreation will be responsible for the maintenance of the complex. Mr. Neville has had experience with these fields in Brookline and commented there is more maintenance for the artificial turf then you think, if dogs get into the fields, the maintenance is brutal. Mr. Tye commented there is a big piece missing from the plan and that is the administration and how it is maintained and will ultimately fall to the Park & Recreation department. Rules will need to be posted and we will need to do things differently.

Mr. Bernheimer made the motion to approve the plan. Ms. Heitman seconded the motion. The motion passed with a vote of 8-0.

8. CPC Priorities- Commissioner Towle stated there are no CPC projects before the Community Preservation Commission (CPC). Parks & Recreation projects are not eligible unless the project is historic. Any priorities we have, the Needs Assessment would set the priorities. The plans for Crystal Lake have been submitted to the State at the State's request in the beginning of January for the stimulus plan.

Mr. Bernheimer mentioned a proposal went before the CPC to renovate bridge on Grove Street and the neighborhood turned up in mass to oppose the project because nobody had ever talked to the community.

9. Dog Park Off Leash signs- Mr. Bernheimer suggested the signs be put up and see what happens, and also mentioned there is a parking issue in the area.
10. New Business- Chairman Fran Rice announced the Commission elections of officers would take place at the February meeting.
11. The next Parks & Recreation Commission Meeting is scheduled for February 23, 2009 at 7:00pm

Meeting adjourned at 8:55 p.m.

Respectfully submitted:

Robin McLaughlin, Secretary



Newton Parks & Recreation Commission
Meeting Minutes
Newton City Hall, Room 209
Monday, February 23, 2009

Attending: Francis J. Rice, Chairman, Kathleen Heitman, Lee Mottard, Arthur Magni, Peter Johnson, Jack Neville, Alternate, Fran Towle, Commissioner, Robert DeRubeis, Deputy Commissioner, Carol Stapleton, Manager, Robin McLaughlin, Secretary.

1. The Minutes from the January 26, 2009 Commission Meeting were accepted 5-0.
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - The February 3 Camp Fair has become very popular with the community and was a success this year. Chairman Rice asked if the camp fees were being raised this year. Commissioner Towle confirmed the weekly camp fee has been raised this year.
 - The Department continues to work on the \$340,000.00 appropriation for snow removal this year. The appropriation was requested from the Finance Committee on January 26, 2009.
 - The Department continues to work on the budget. The budget cut right now is 3%. The Commissioner has a meeting with the City Administration this week and will have additional budget information for the Commission at the March 16 Commission meeting.
 - February 24, there is a meeting with the Newton West Little League regarding the Lyons lighting project. The Commissioner stated there should be an estimated start date for next month. Chairman Rice asked if the people purchasing the lights have any experience with the installation of the lights. Commissioner Towle was going to verify the qualifications and verify some one will be aboard to assist with installation, at the scheduled meeting. Chairman Rice suggested the sales person selling the lights should be able to help. Chairman Rice inquired if the Commissioner is working with the Traffic division regarding this project and the displaced parking caused by the project? Chairman Rice stated working out the traffic issues is key to the Commission in seeking approval for this project. Commissioner Towle will contact the Traffic division.
 - The Forestry Division continues to inventory the City trees and reports no unusual issues this month.
 - The Maintenance division continues to gear up for snow removal and is preparing for turf maintenance in the Spring.
 - Chairman Rice asked if the Commission Members had any questions or comments for the Commissioner. There were no questions. Kathleen Heitman commented that she is pleased with the exciting programs provided by the department.
3. Crystal Lake Task Force Presentation- Janice Bourque, Crystal Lake Task Force Chairperson, began the presentation stating this presentation was an informational presentation only; the Task Force was not requesting a vote. Chairman Bourque reviewed the issues faced by the task force such as, runoff and the slope of the area and explained the planning considerations; year round use, cost efficiency and going green, the flexibility issues going forward, the beach and the slope issue and making the area handicap accessible. The goal is to keep the building low for an unobstructed view, minimize asphalt and maximize open space. A tree inventory was done by the City, and the plan is to keep as many existing trees as possible and plant additional trees.

- Option 2A is a plan to renovate the existing building, approximate cost is \$4.2 million
- Option 3C is a plan for construction of a new building, approximate cost is \$4.8 million

Option 3C is the option favored by the community. This option provides more beach area, and the building is wider. The following questions and comments were addressed after the presentation:

Q1. Chairman Rice asked how a bus enters into the parking area. Chairman Bourque responded, currently the buses drop the passengers off further down the street and the passengers walk to the beach. This process will remain in place. Chairman Rice asked if this causes congestion at the intersection by 20 Rogers Street. Chairman Bourque responded, this does not cause traffic congestion because the buses do not remain parked at the location.

Q2. Resident Doris L. Fuse commented the handicap accessible pathway to the Crystal Lake building from Rogers St is a very long way to walk for a lot of handicap individuals, and asked if this is the time the pathway should be re-evaluated. Chairman Bourque explained, because of the topography and the steep slope, the length of the path was the only way to keep the path handicap accessible.

Q3. Chairman Rice asked if a second entrance could be created to make a loop in the driveway. Chairman Bourque stated the slope in that area is 26% and is too steep for an entrance. Alderman Parker commented the circular driveway pattern dominated the vista, and the community wanted to keep the beautiful vista of Crystal Lake. Jack Neville commented there is wasted space next to the driveway by Rogers St that could be utilized.

Q4. Peter Johnson asked if there will be sidewalks along the new driveway because he is concerned the pedestrians will use the driveway entrance. Chairman Bourque and the task force will take this concern into consideration.

Q5. Lee Mottard inquired how the aesthetic of the site were taken into consideration with RDA architect. Chairman Bourque replied the Task Force and the Architect met with the Community to determine the needs of the Community.

Q6. Michael Clarke commented he is pleased to see that bike racks will be available but is concerned about the cost of using the facility year round. Chairman Bourque commented there will be the flexibility to close off the utilities when the facility is not being used. Task Force member Schuyler Larrabee commented there will be a better heat system in the new building and the task force is looking into going green wherever possible with this project.

Q7. Peter Johnson inquired why the design cost for the renovation is 15% when the design cost for new construction is at 10%. Chairman Bourque stated designing around an existing building is more difficult and expensive than designing new construction.

Chairman Rice asked Commissioner Towle which option she believes is best for the Community. Commissioner Towle agrees with the Community, option 3C, the new building would be the best option. Carol Stapleton reminded the Commission there will be a Crystal Lake Task Force meeting on Wednesday 2/25/09 at 7pm at the Senior Center. Chairman Rice thanked the Task Force for the presentation.

4. 5K Walk/Run Fundraiser – Kristen St. Marten- This is the second meeting for Kristen St. Marten, President of the Paul St. Marten Charitable Corporation. She is requesting permission to hold a 5K walk/run fundraiser in memory of her father, Paul St. Marten. Ms St. Marten is

requesting the use of Week's Field on May 24, 2009 from 8:00am-11:00 am for this event. Set up for the event would begin at 6:00 am and clean-up would be completed by 1:00 pm. Notification of this event was sent to the abutters of Weeks Field February 9, 2009. An invitation was sent to the abutters, notifying them the Paul St. Marten Charitable Corporation would be available for questions or comments at the Commission meeting 2/23/09. Contact information was also included in the notification to the abutters. The Parks & Recreation department did not receive any questions, comments or concerns from the abutters of Week's Field. There were no abutters in attendance at the Commission meeting.

Arthur Magni made the motion to allow the Paul St. Marten Charitable Corporation to hold the 5K Walk/Run Fundraiser on May 24, 2009 at Week's Field. Kathleen Heitman seconded the motion. The motion passed 6-0.

5. Relay for Life – Amanda Starkel a representative of the American Cancer Society is requesting permission for a two day overnight fundraising event at Forte Field, 233 California Street on May 30-May 31, 2009. Teams of 18-15 people will take turns walking around the track for 18-24 hours. There will be portable toilets, if needed, tents, staging, tables and chairs. This event is in its 11th year in Newton. The Commission will notify the abutters of Forte Field of the event. Amanda Starkel and the American Cancer Society will come back to the Commission on March 16 to answer any concerns or questions from the abutters of Forte Field. *Note: This event usually takes place at Newton South High School, but field renovations are scheduled during the time this event is to take place.*
6. Off Leash Dog Park Review- Deputy Commissioner DeRubeis stated the trial is in limbo because the signs are in but have not been posted in the area due to the weather conditions. A true assessment cannot be done until the signs go up in the area. Commissioner Towle mentioned the e-mail from Dr. Soporta regarding the parking issues and uncontrolled dogs at Cold Spring Park. Kathleen Heitman suggested Amy Koel, Off-Leash Dog Park Chairperson respond to Dr. Soporta.
7. Commission Elections- Commissioner Towle asked for nominations for the Parks & Recreation Commission Chairman. Kathleen Heitman nominated Fran Rice. Arthur Magni seconded the nomination. Fran Rice was nominated as Commission Chairman with a vote of 6-0. Re-elected Chairman Rice asked for nominations for Parks & Recreation Commission Co-Chairman. Arthur Magni nominated Walter Bernheimer, Michael Clarke seconded the motion. Walter Bernheimer was nominated as Parks & Recreation Commission Co-Chairman with a vote of 6-0.
8. New Business-
 - Lee Mottard inquired about the P & R website. Deputy Commissioner DeRubeis stated the website is being updated. The general consensus in the department is to create our own website outside the City's website. This option is being researched.
 - Senior fees – Kathleen Heitman inquired if the decision has been made to raise senior's program fees. Commissioner Towle commented this issue will need to be addressed in the future.

The next Parks & Recreation Commission Meeting is scheduled for March 16, 2009 at 7:00pm

Meeting adjourned at 8:20 p.m.

Respectfully submitted:

Robin McLaughlin, Secretary



David B. Cohen
Mayor



Fran L. Towle
Commissioner

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

March 16, 2009

Attending: Walter Bernheimer, Acting Chair, Peter Johnson, Arthur Magni, Lee Mottard, Kathleen Heitman, Michael Clarke, Alternate and Jack Neville, Alternate, Fran Towle, Commissioner, Carol Stapleton, Acting Secretary

1. The Minutes from the February 23, 2009 Commission Meeting were accepted 7-0
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - Crystal Lake Projects Update – The 230 Lake Ave acquisition pathway project is in the planning stages by various City Departments and will be presented to the Conservation Commission for a NOI on Thursday, April 23, 2009. The Crystal Lake Task Force will make two presentations: Thursday, March 26th the plans will be presented to the Historical Commission and on Thursday, April 23rd, a presentation to the Conservation Commission will be held at City Hall.
 - The Department's February School Vacation Programs were very successful and Staff is in the planning stages for the April School Vacation Programs
 - Wednesday, March 18th, Commissioner Towle will appear before Programs & Services Committee for a request for an appropriation to cover the costs of recent snow storms.
 - Michael Clarke inquired if the total amounts of monies spent on snow removal are figured into the Schools Budget. Commissioner Towle responded that the amounts for snow removal, grass cutting and lining of athletic fields are not figured into the total costs of running the Schools and are absorbed by The City.
 - The Maintenance and Forestry Divisions are working towards spring clean up of all areas that include General Maintenance, Fence Repair, Painting, Playground Repairs, Rubbish Removal and Signage. The Forestry Division has continued the tree by tree City wide inventory and developing a booklet and revised application information. Marc Welch is also developing a report for the Post Audit Committee regarding the Tree Preservation Ordinance.
 - Commission Towle also reported on the very successful Kevin Clancy Basketball Tourney held at NNHS for the benefit of Special Needs Athletes

throughout the State. Some 20 teams participated in the tourney held on March 7th at NNHS.

- Applications are now being circulated for the Youth Service Awards. Presentation of the awards will be held on June 15th at City Hall.
 - Meetings are ongoing with the Newton West Little League and their efforts to install sports lighting. Since the last meeting, the left outfield pole has been relocated to stay clear of the trees. Also, the total number of fixtures has been increased by four. There are now a total of 26 lights.
 - Commissioner Towle reminded the Commission that staff would be presenting options for fee charge for Senior Citizens at the April 27th meeting.
 - Commissioner Towle also reported that she would be attending a meeting with members of the CAG (Citizen's Advisory Group) and the Commissioner of Public Works, Tom Daley later on in the week. This meeting is in response to a proposal by the CAG to combine certain elements of the Parks & Recreation Maintenance Division with Public Works Division.
 - The Department's Web Site Committee continues meeting and a report should be available by the next Commission Meeting.
 - Michael Clarke would like the Commission Meeting Notices added to the Friday list of meetings published by the Planning Department. Commissioner Towle will ask Robin McLaughlin to look into this request.
 - The Department continues working on the 3% Budget Cut recommendations to the Executive Department and will have a report for the Commission shortly. There will be a recommendation to raise the cost of some fees for some programs.
3. The installation of the Dog Park Signs at Cold Springs began today. A total of 3 of the 8 signs that are required have been installed as of this date. When the signs are all in, then the Dog Park Trial will officially begin and reports will then be coming to the Commission on a monthly basis. The Commissioner also mentioned that each member had received copies of any and all emails sent in regarding the Dog Park and the Department will continue to update the Commission on the process.
4. Relay for Life request for permission to use Forte Park for their Annual Event: Ms. Jo Anne Lafontaine, Community Executive, Development Office for the American Cancer Society was present at the meeting. Commissioner Towle reported that letters had been sent to the area abutters informing them of this request. As of this date, the Department had not received any calls or letters concerning this request.

- Vote: Kathy Heitman moved and Peter Johnson seconded that we honor this request and issue a permit for May 30 & 31st @ Forte Field. Carol Stapleton will work with the American Cancer Society to draw up the necessary contracts and memorandum of understanding.
5. St. Mary of Carmen Society Festival. Mr. Frank Batista, Festival Carnival Committee Representative was present to formally request that permission be given to the Society to hold its annual Carnival July 13th to the 19th, 2009 at Hawthorne/Pellegrini Park. The Commission and Department will now go forward and notify the abutters of the area and a formal vote would be taken at the April 27th, 2009 meeting. Mr. Batista informed the Commission that President of the Society Festival Carnival Committee Chuck Prioa was unable to attend due to the recent passing of former chair Nunzio Leone. Mr. Prioa is expected to attend the April Meeting.
6. New Business
- Commissioner Towle reported that the 24 Warren Street Improvements Proposal submitted by The Goldman/Sevransky Family was put on hold until a ruling is issued by The City of Newton Law Department concerning the issue of private use on public lands.
 - Mr. Joshua Coval of 175 Elgin Street was in the audience and did not know that the item had been postponed. Mr. Coval was at the meeting in support of the project.
 - The Commission will be notified when this item is rescheduled for discussion.

Meeting adjourned at 8:45pm.

Respectfully submitted:

Carol Stapleton, Acting Secretary



David B. Cohen
Mayor

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

April 27, 2009

Attending: Walter Bernheimer, *Acting Chairman*, Peter Johnson, Arthur Magni, Kathleen Heitman, Michael Clarke, *Alternate*, Peter Kastner, *Alternate*, Fran Towle, *Commissioner*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Absent: Fran Rice, Lee Mottard, Jack Neville

Also Attending: Carol Stapleton, *Recreation Manager*, Stephanie Pelkowsky, *Recreation Manager*, Tom Cahill, *Aquatics Manager*

1. The Minutes from the March 16, 2009 Commission Meeting were accepted 5-0
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - All went well at the Newton Youth Road Race that took place on 4-19-09 and the Marathon Race, 4-20-09.
 - Newton Serves is scheduled for Sunday, April 26, 2009. There are 35-40 projects scheduled with the help of volunteers. The Parks and Recreation Department spends approximately \$10,000.00 in materials, but the department could not complete the work that is done on this day with out the assistance from the community.
 - This past weekend all of the Newton Little Leagues held their opening day festivities. Maintenance was very busy preparing the fields. Red Sox catcher Jason Varetok was the guest to throw out the first pitch for the Newton South Little League. Commissioner Towle and Mayor Cohen were present at both the Newton South and Newton West Little League opening.
 - The lighting project at Lyons Field with the Newton West Little League is moving forward. Peter Kastner inquired when the lights would be ready. Commissioner Towle responded the lights should be completed in about a month.
 - The Forestry Division continues to inventory the City Trees. There are approximately 30,000 trees on the streets. Kathleen Heitman commented on the wonderful job the Forestry Division has done in the Oak Hill area pruning the trees. Commissioner Towle commented that the tree pruning is done with tree ordinance money.



Fran L. Towle
Commissioner

- The City has received \$600,000.00 and the OK on three projects from the State's stimulus package:

1.	Pellegrini Park - entrance area	\$200,000
2.	Stearns Park – playground	\$350,000
3.	Nahanton Park - accessible route	\$30,000
4.	Newton Ctre Plgrd - accessible route	<u>\$20,000</u>
	Total Proposed Projects	\$600,000

- Chairman Bernheimer asked if this was part of the plan approved by the CPA money and what percentage of the projects would be done?

- Commissioner Towle responded, yes this is part of the overall Master Plan from a few years ago, and in Stearns Park about 50% would be completed, the half basketball court and play apparatus. Pellegrini Park would have the parking area and entrance into the building completed. The accessible pathways, Cold Springs parking area, the Newton Center pathway from Bowne Street to the play apparatus and a small pathway through Nahanton Park. We were prepared and had shovel ready plans available we are all working together to have the information ready so the bid documents may be prepared.

- Commissioner Towle reviewed the Adopt-A-Space program. There are currently 100 public sites adopted and maintained by private citizens/companies. One of the more recent sites is at the Hyde Center. There is a Taiwan Garden going in, there is a lot of excitement about the area also the Taiwan Garden was part of Newton Serves day.
- Vacation programs including the new program at the Newton Center Hut were full for April vacation. All programs were a success.
- NSHS- bids came in for the athletic fields at 3.5 million; they were expecting bids of 4 million. The project is moving forward and hopefully the fields will be done by the fall, at that time the fields will come back to Parks & Recreation to maintain.
- Commissioner Towle reviewed the items from the Citizen's Advisory Group (CAG) Report that directly relate to the Parks & Recreation Department:
 1. Consolidation with Department of Public Works
 2. Consolidation with Community Education from Newton Public Schools
 3. Taking a closer look at fees charged for recreation programs
- Commissioner Towle asked if the Commission would like to discuss the CAG items. Chairman Bernheimer requested the items be discussed later in the agenda.
- The Commissioner will be presenting the Budget to a joint meeting of the Program & Services and Finance Committees on Wednesday April 29, 2009 at 7:00 pm. Alderman Amy Sangiolo has invited the Newton Public Schools, Community Education Department to be present at the budget presentation.

- Signs were posted at Crystal Lake warning dog owners that baited traps had been set in the area for dogs. These signs were not posted by the City. The Police Department was called and a report was filed. Carol Stapleton along with the police officers searched for the traps but did not locate any in the immediate area.
 - There is no new information regarding the Mayor's Prayer Breakfast . The Commission Secretary will e-mail you the information as we receive it.
3. St. Mary Carmen's Society Festival- Chuck Proia, Chairperson
- Mr. Proia replaces Mr. Nunzio Leone who passed away a month ago.
 - Mr. Proia gave an overview of the festival. The following questions/issues were brought to the Commission by the abutters of JoAnne C. Pelligrini Memorial Playground:

Mrs. Antonellis of 42 Hawthorne Street commented for the most part the festival is run well and there is no trash left around but the band stand music is too loud. Mr. Proia commented he can work to accommodate any issue and the ride music can be cut if necessary.

Mr. Lenny DeLuca whose parents live at 30 Hawthorne Street commented the music from the rides is loud and annoying. Mr. Proia replied the issue will be addressed and the festival management can shutdown the music if necessary.

Mr. Deluca commented he hopes the festival managers do a better job this year of addressing the issues and asked if Mr. Proia would be readily available during the festival? Mr. Proia responded he will do his best to work out the issues and he has given Mr. Deluca and his brother his phone number to contact him whenever necessary.

Acting Chairman Bernheimer commented the residents should raise the issue at the time of the incident with the festival management to have it resolved immediately. Mr. Proia commented he is trying to work with everyone; he is trying to work with everyone and is there to help. The money raised from the festival goes to the neighborhood.

Mr. Deluca commented last year they reviewed the map of the festival layout and that should be status quo. Mr. Proia replied the layout should be the same as last year. There will be no music or rides in front of the house.

Mr. Deluca commented on the negative issue last year at the Marini's yard. Mr. Proia commented the issue that took place at the Marini's was addressed and this is not the appropriate forum to discuss the details.

Donna Zagani of 53 Hawthorne Street stated she counted the people in the area that are over 70 years old. There are 15 people in the area that are 70 years or older and noise is an issue. Ms. Zagani requested the festival tone down the noise because it bounces off the buildings and the music is repetitious. Mr. Proia received Ms. Zagani's e-mail last year and he will do what he can to address the issues. Acting

Chairman Bernheimer commented the residents should raise the issue at the time of the incident with the festival management to have it resolved immediately. Susan Meliacho of 52 Hawthorne Street commented she is a fan of the St. Mary Carmen's Society Festival. She is sure the noise issue will be addressed. The issue she has is with the detail on Watertown Street. On Ashmont Ave there is a horse that is trying to stop traffic and there are several officers on Watertown Street. Some of the officers should be positioned at Ashmont Ave. Mr. Proia commented he will speak with the Police Department.

Andrea DelGrasso of 3 Ashmont Ave commented the ambulance parked on Ashmont Ave is the best thing ever, due to the traffic if you don't live on the street you do not get down the street. Mr. Proia responded that there is a parking issue but there is nothing the Police can do because of the City Ordinance's. Peter Kastner recommended Ms. DelGrasso speak with her local Alderman.

Alderman Merrill commented he and the other Ward Alderman approve of the festival.

Acting Chairman Bernheimer asked if the Commission Members had any comments or questions.

Peter Johnson made the motion to allow the St. Mary Carmen's Society Festival request. Kathleen Heitman seconded the motion. The motion passed 5-0-1 (Arthur Magni abstained).

Mr. Proia thanked the commission and made a closing comment recognizing Derek Mannion, Assistant Superintendent of Maintenance. Mr. Proia thanked Derek for the hard work he personally did preparing the Little League fields this past week-end.

4. FY10 Budget Update

- Currently there are no budget cuts for FY10. Enclosed in the packets is a printout of the current budget. Acting Chairman Bernheimer asked if the department has an accounting of income and can a report be given to the Commission. Commissioner Towle responded, yes there is a report accounting for income and is available to the Commission.

5. Newton Tennis Update

- Commissioner Towle introduced Recreation Manager, Stephanie Pelkowsky and Mike Lewitt of Newton Tennis. Commissioner Towle commented on the wonderful job don by Mr. Lewitt in regards to tennis lessons and tennis court maintenance.
- Stephanie Pelkowsky reported the rules and regulations have remained the same except for the double play rule has been changed to 1.5 hours time slots from 2 hour time slots.
- The 2008 rates & 2009 proposed rates are enclosed in Commission packets.
- Acting Chairman Bernheimer commented there no fee waiver for seniors. Stephanie Pelkowsky commented Student fees will also go up \$10.00, (there was a typo on the printed information sheet).

- Ms. Pelkowsky commented the rates have been going up a small amount each year. Mr. Kastner asked if there is a drop in usage when the rates go up, Ms. Pelkowsky answered that yes, when there is a large increase there is a drop in usage, people do not like a large increase.

Acting Chairman Bernheimer made a Motion to accept the new tennis lesson rates as presented, with the one correction to the student rates. Peter Johnson seconded the motion. The motion passed 6-0.

6. Gath Pool/Crystal Lake – Rules, Regulations, Fees

- Commissioner Towle explained there are no recommended changes in the rules, regulations and fees at Gath Pool or Crystal Lake for 2009.
- Acting Chairperson Bernheimer asked why there are no increases in fees. Mr. Cahill replied there are no increases in fees because there are no budget cuts. Mr. Cahill commented there is usually a 20% drop off in membership when fees are raised. A 20% drop off would be significant.
- Acting Chairperson Bernheimer asked if a \$1.00 increase would cause a 20% drop off. Mr. Cahill responded not necessarily. Acting Chairperson Bernheimer asked to see the data to support the membership drop off information. Mr. Cahill responded that he would supply that information.
- Peter Johnson asked if the rules and regulations for Gath Pool and Crystal Lake should be voted on separately. Acting Chairperson Bernheimer felt that was not necessary because there were no changes in the rules and regulations.
- Kathleen Heitman inquired if there is a family rate. Commissioner Towle responded no there is no family rate.
- Acting Chairperson Bernheimer reminded the Commission that the Citizen's Advisory Group recommended a review of fees. Peter Johnson commented the seniors fees should be looked at. Currently the seniors are not charged a fee and young families take the brunt of fees when seniors are better off financially. The senior fee could generate money for scholarships. Acting Chairperson Bernheimer suggested there should be a senior fee because it is a good policy, the money goes into the general fund and the city needs money. Carol Stapleton asked Acting Chairperson Bernheimer what fee he would recommend. He recommended a 50% - 75% charge of the full fee. Carol Stapleton reported the adult fee is \$45.00 and the student fee is \$20.00.
- Kathleen Heitman inquired if the senior attendance is increasing every year. Carol Stapleton responded, the attendance last year was 409 and out of the 409 approximately 100 would need financial assistance. Kathleen Heitman asked Ms. Stapleton what she would recommend as a fair senior rate. Ms. Stapleton responded that \$20.00 would be a fair rate. Acting Chairperson Bernheimer commented this is the same amount as the student fee and next year a survey should be done of other towns of student fees.
- Commissioner Towle does not recommend raising the fees. The Citizen's Advisory Group may eventually ask for a review of all fees. The Department may need a standard policy on fees.

- Acting Chairperson Bernheimer responded that the Commission may need a policy regarding fees, down the road, but this should not stop us from raising the senior fees now. Commissioner Towle commented we have been instructed to keep fees manageable and currently the fees pay for supplies and leadership but this does not necessarily include the maintenance of the property. Acting Chairperson Bernheimer commented that charging a fee makes sense and we can request, from the City, to have the money generated by the senior fee be used for maintenance and if not the money will go into the general fund and the City needs money.
- Kathleen Heitman asked if it would be beneficial to show the people the plans for the new bath house before charging the additional fee. Commissioner Towle responded that the Crystal Lake Task force would have a separate fundraiser for the project and any money received from fees would go right into the general fund unless a stipulation was added that the money would go back to the swim program.
- Peter Kastner suggested students and seniors should be charged the same. Peter Johnson inquired if there is a way to track the usage of a swim permit. Tom Cahill responded yes the information is in the computer.
- Arthur Magni suggested, in this situation, where the fee is being increased from zero, we should be conservative. Acting Chairman Bernheimer agreed. Michael Clarke suggested a fee 1/3 of the adult fee. Peter Kastner commented the cost of the fee will not reduce the resistance received.

Arthur Magni made a motion to accept the Crystal Lake and Gath Pool rules, regulations and fees as presented, with the addition of a \$20.00 senior fee which is equivalent to the student fee. A letter is to be sent to the Mayor from the Commission requesting the use of the funds received by the additional fee be used toward the swim program scholarships and maintenance. Peter Johnson seconded the motion. Motion passed 6-0.

7. Dog Park Update

- Commissioner Towle reviewed the information included in the Commission information packets:
 - A written report from Amy Koel, Committee Chair of the Dog off-Leash Advisory Committee (DOLAC).
 - Several e-mails & letters from abutters of Cold Spring Park regarding the Off-Leash Dog Park.
- Commissioner Towle asked Deputy Commissioner Robert DeRubeis for an update on the DOLAC. Deputy Commissioner DeRubeis is a member of the Dog off-Leash Advisory Committee. The Deputy Commissioner reported there are issues with dogs running free outside the designated area. People are being disrespectful to the abutters, and part of the issue is there was no official park until the signs went up. Officer O'Connell has ticketed individuals for being off leash on the trails, the fee is \$50.00. On May 7, DOLAC has a scheduled meeting to review Norumbega Park as a second location for an off-leash dog park. Hopefully this second park would relieve the traffic at Cold Spring Park.

- Commissioner Towle reported she has a meeting scheduled with Chief Cummings to discuss the parking issues at Cold Spring Park and when the Police will begin ticketing illegally parked vehicles.
- Anne Li of 53 Beverly Road reported the parking has been an issue for a long time but has gotten worse since the off-leash dog park was approved by the Commission on 11-17-08. Ms. Li reports the children cannot play in the streets because the traffic has become dangerous. She reports having a dog run into her house when her son was walking out of the house. In the morning at 9 am, car music blares and people allow their dogs to bark. When she went outside to talk with a neighbor, a dog ran in front of her and cut her off. When abutters approached the dog owner's regarding the dog park rules, the dog owners behavior becomes defensive & belligerent. Ms. Li does not believe people's behavior will change. Ms. Li asked if the Off Leash Dog Park pilot could be cut short so the neighbors would not have a harrowing summer.
- Acting Chairman Bernheimer asked if cutting the program short would make a difference. Ms. Li responded she believes it would and it's better than doing nothing.
- Rick Dyer of Terrace Avenue commented his children used to play basketball on the street but they no longer can play basket ball on the street because of the traffic. Mr. Dyer stated it is an accident waiting to happen, the police cannot be there all the time.
- Greg Rupel of 34 Dunklee Street, commented traffic volume and off leash dogs, all over the park, has increased and Dunklee Street has become a mess due to the parking issue. Somehow we must coordinate the Cold Spring parking lot with the Dog Park.
- Acting Chairman Bernheimer commented he lives on the end of Winslow Road. There are off leash dogs and owners in front of his house. People look at the signs and continue to leave their dogs off leash. The whole thing is ludicrous, there is no enforcement, people get belligerent when someone speaks to them, and the signs do not help. The experiment, no matter how long it runs will prove nothing, no behavior is changing and it is getting worse for those who live near the path. Unless the police hand out thousands of tickets the behavior will not change.
- Rick Dyer of Terrace Avenue commented there are no fences or boundaries for the dog. When it's raining and muddy, the dogs are over on the baseball fields. Mr. Donner has spoken to the Little League Commission. They knew nothing about this. The dogs are all over the place. He is hoping there will be another park to help with the traffic and volume of dogs so the families can enjoy the park. Mr. Donner has pictures and video's available of dogs, off leash, at the park.
- Peter Kastner asked what the credentials are of Amy Koel, Committee Chair of the Dog off-Leash Advisory Committee (DOLAC). Amy Koel, Ph. D, is a Dog Training and Behavioral Consultant. Peter is questioning the reliability of Amy's report. When this dog park was presented to the Commission, one of the concerns was whether the Citizen's Group could be objective in reporting about the dog park. Mr. Kastner is concerned that what the report is saying and what the abutters are saying seems to be opposite. Acting Chairman Bernheimer commented we could use

some objective data and he does not consider himself objective. Acting Chairman Bernheimer asked when the trial period ended and when the temporary ordinance expires.

- Kathleen Heitman responded the nine month trial period began when the signs were put in place. The signs were installed in March 2009. The trial period ends December 31, 2009.
- The temporary ordinance ends December 31, 2009.
- Deputy Commissioner DeRubeis commented that Amy Koel has been a pleasure to work with and she deserves a fair chance. Amy obviously wants to see the park succeed but she has been fair. Amy has been appalled at the issues the abutters have had to face. She presents both the positive and negative information she receives about the dog park.
- Acting Chairman Bernheimer commented that her sincerity is not being questioned. But the problem is not dog training, the problem is human training.
- Peter Kastner commented he has been part of the Commission for a long time and does not remember receiving so many written complaints. Acting Chairman Bernheimer commented, there were no e-mails back then.
- Acting Chairman Bernheimer recommended adding to the May 18 2009 agenda:
 - Evaluating the Off Leash Dog Park experiment with the possibility of rescinding the experiment. The dog officer should be asked to appear. Also a member from the DOLAC and the abutters should be notified as well.
- Michael Clarke commented that in the report from Amy Koel she indicates that she is aware of the issues and would be discussing the issues at the DOLAC meeting, but there is no mention of the meeting date. Deputy Commissioner responded the DOALC meeting is Thursday, May 7.
- Peter Kastner commented if the Conservation Commission passes Norumbega Park as a dog park that would help with the issues. Acting Chairman Bernheimer commented he does not believe if Norumbega Park does become a dog park it will relieve the issues at Cold Spring Park. Cold Spring Park is a failed experiment.
- Peter Kastner suggested a Public Interest letter be sent to the Conservators about the competing issues of the parks. Acting Chairman Bernheimer agreed this was a good idea.

8. Crystal Lake- Swim at Your Own Risk

- Commissioner Towle reminded the Commission members that President Baker came to the February Commission meeting to ask about the possibility of a “Swim at Your Own Risk” Policy at Crystal Lake and asked that a discussion be held on the subject.
- The Commissioner asked Carol Stapleton, Recreation Manager of Crystal Lake, to give the Commission an update.
- Ms. Stapleton responded to the best of her knowledge, four or five residents had spoken to President Baker about the possibility of a “Swim at Your Own Risk” Policy at Crystal Lake.

- Commissioner Towle directed the Commission members to their information packets. In the packets there is documentation from Tom Cahill explaining the type of training lifeguards must go through, and a letter explaining the shortage of lifeguards that the City is able to obtain for the year. Commissioner Towle asked Mr. Cahill, Aquatics Manager to review the information with the Commission members.
- Mr. Cahill commented that being a lifeguard is now a profession. Individuals are trusted with swimmers lives. The premise of the Red Cross is swim with a buddy in a supervised area. Due to Tom's training and experience he could not agree to a Swim at Your Own Risk policy. One of the biggest issues is finding properly trained lifeguards. Most lifeguards are high school or college kids. Most college kids go back to school by the end of August and high school sports start in August.
- A pool life guard requires 30 hours of training, a lake lifeguard requires an additional 20 hours of training. The additional training includes equipment training and search procedures. The kids do a great job for us all summer.
- The City does offer swimming through Labor Day at the Gath Pool and Mr. Cahill can bring in additional lifeguards for the pool, but he cannot for the lake.
- Peter Kastner stated he would allow people to make the choice and asked if the Commission should be concerned about safety and restrict the quality of life by restricting people's choice to swim in an unsupervised area. Acting Chairman Bernheimer and Kathleen Heitman believed safety should be the priority.
- Carol Stapleton commented that she felt the abutters of Crystal Lake would be upset about a Swim at Your Own risk Policy.
- Peter Kastner asked if there was ever a report of an abutter of Crystal Lake drowning. Ms. Stapleton responded no. Acting Chairman Bernheimer stated this policy would not apply to the abutters because they are allowed to swim in the lake.
- Carol Stapleton commented there would be parking issues and sanitary issues.
- Kathleen Heitman commented that safety is the key issue.
- Arthur Magni commented this is a nice area that people want to spend a lot of money to improve upon. The area needs to be taken care of.
- Peter Johnson commented if this was an ocean beach people would swim at their own risk. He would be ok with the policy as long as there is no liability and we shut everything down at the lake.
- Michael Clarke commented he sees both sides. But there are concerns about the neighbors. People would be going through their back yards. People currently do swim at their own risk.
- Acting Chairman Bernheimer agreed and believes the Commission would be inviting more after hour's activity.
- Peter Kastner agreed the policy would increase the nuisance.
- Commissioner Towle commented the Swim at Your Own risk policy would be open to all ages, including children.
- Acting Chairman Bernheimer stated there is a city ordinance that dictates what goes on at the lake.

- Michael Clarke asked what the Commission was deciding tonight regarding the Swim at Your Own Risk at Crystal Lake. Commissioner Towle stated we are presenting research, talking with staff and having a discussion, there will be no vote tonight.

The Crystal Lake Task Force

- Carol Stapleton reported the Task Force is down to two plans, a new building or renovation of the existing building. The task force has been to the Historical Commission, P & R Commission and Conservation Commission. There will be a meeting of the task force in May to decide on the final plan. The consensus shows the plan for a new building is the preferred plan. Once the final plan is chosen, fundraising will begin. Commissioner Towle asked if the task force will be back before the Commission for approval once they have the final plan selected. Ms. Stapleton responded, yes the task force will appear before the Commission.

Crystal Lake Pathway behind 230 Lake Avenue

- Carol Stapleton reported the Notice of Intent has been processed and presented to the Conservation Commission. All work needs to be completed by October 10, 2009 because this was the agreement with the landlord.

9. New Business

1) Commissioner Towle commented the Warren Street Sound Barrier project will be on the agenda again in May. The Builder will be making a presentation to the Commission. Commissioner Towle asked the Commission members to review the Warren Street information in the information packets handed out for the next meeting. Included is a confidential letter from the Law Department regarding the Warren Street Sound Barrier.

- Peter Kastner commented the abutters to the area are concerned about the parking and access to the park lands in the Warren Street area.
- Commissioner Towle recommended the Commission members take a look at the area because the Commission will be required to make a decision. The Commission Secretary will e-mail the directions to the members.
- Michael Clarke requested the following language be added to the meeting minutes from page 2 of the law Department Memo: “the Commission renders decisions concerning parks and the use of lands under its jurisdiction.”

2) Michael Clarke commented it was very good how Commissioner Towle and Robin McLaughlin had the Commission meeting information added to the Planning Department “Friday Report”.

Meeting adjourned at 9:15 pm.
Respectfully submitted:
Robin McLaughlin, Secretary



David B. Cohen
Mayor



Fran L. Towle
Commissioner

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

May 18, 2009

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice-Chairman*, Peter Johnson, Arthur Magni, Kathleen Heitman, Lee Mottard, Jack Neville, *Alternate*, Michael Clarke, *Alternate*, Peter Kastner, *Alternate*, Fran Towle, *Commissioner*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Also Attending: Alderman Victoria Danberg, Alderman Susan Albright, Police Chief Matt Cummings, Captain Howard Mintz, Officer John O'Connell, Carol Stapleton, *Recreation Manager*.

1. The Minutes from the April 27, 2009 Commission Meeting were accepted 9-0
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - The Special Needs banquet was held on Wednesday, May 14 at the Post 440. The banquet was a success.
 - The Spring Fest was held on Saturday, May 16 at City Hall.
 - Over 40 projects were completed by Newton Serves volunteers.
 - The Rope Challenge courses are going out to Public Bid. The locations for the Rope Challenge courses are Day School, Burr School, Newton South and Oak Hill.
 - The Memorial Day parade was held on Sunday May 17.
 - The Mayor's Prayer Breakfast is scheduled for Wednesday, May 20th at 7:30 am at Boston College.
 - The Youth Awards are scheduled for June 15, 2009 at 7:00pm in the Aldermanic Chambers.
 - Newton North High School graduates on June 10th at Boston College and Newton South High School graduates on June 11th at Boston College.
 - Cell Towers in the Newton Parks will be on the Commission Agenda in June.
3. Off-leash Dog Park – Review
 - Chairman Rice stated the Commission members have received and reviewed all reports and correspondence regarding the Off-leash Dog Park to date. Alderman Albright, who recommended the dog park, is in attendance at tonight's meeting.
 - Chairman Rice explained the format for discussion regarding the Off-leash dog park. Two people from each faction of the off-leash dog park

discussion will have a turn to speak for 5 minutes each. Those factions include the abutters to Cold Spring Park, the Dog Off-leash Advisory Committee (DOLAC) the Police Department and residents.

- Anne Li of 53 Beverly Road introduced Bob Stock of 43 Beverly Road.
- Mr. Stock commented he has been a resident of Newton for 24 years and a dog owner for 17 years. Mr. Stock commented the applicant group is not at fault for the current issues at the Cold Spring dog park. They applied and were granted permission for an off-leash dog park at Cold Spring Park. The applicant group is exercising their rights. The problem is the enforcement of the rules. There are more off-leash dogs throughout the park along with additional parking and traffic issues. Another issue is there is only one Dog Park in Newton. It has been said that Newton's off-leash dog park has been modeled after Brookline. Brookline has a population of 57,000, there are several dog parks in Brookline and these dog parks have restricted hours for off-leash dogs.
- Mr. Stock commented that people are rude when abutters point out the rules and regulations of the off-leash dog park. It is not fair that Cold Spring Park and the abutters alone must accommodate all off-leash dogs. Mr. Stock recommends:
 1. An impact study of off-leash dog parks
 2. The Parks & Recreation Commission suspend the Cold Spring Park Off-leash dog park trial program
- Attorney Peter Harrington announced he has been obtained by some of the Cold Spring Park abutters regarding the Off-leash dog park. Ann Li of Beverly Road spoke up and requested an actual abutter has a turn to speak.
- Jose Saporta of Beverly Road reviewed his experiences with the off-leash dog park. Mr. Saporta presented pictures of dogs off-leash on the trail and on the streets. Mr. Saporta stated the problems are worse due to the increased volume of dogs, and vehicles. The little league field is being overrun by off-leash dogs. Mr. Saporta has spotted many dog walkers using Cold Spring Park. People have been rude and defensive when he has reviewed the rules and regulations of the off-leash dog park with dog owners. Mr. Saporta concluded the off-leash dog park pilot program is a burden on the residents and Mr. Saporta requested the pilot program be shut down.
- Lee McIntyre a member of the Friends of Cold Spring Off-leash dog park stated he does not underestimate the issues at Cold Spring Park. The committee is working on the issues. As with any new program there are growing pains and the issues are being addressed. The biggest issues he can see is the parking issue, the issue of emergency vehicles being able to get down the streets. Mr. McIntyre suggested a one side of the road parking solution. He is aware that some abutters would like to shut down the off-leash dog park program but not all abutters are opposed to the Off-leash dog park. Mr. McIntyre presented to the Commission with a petition signed by abutters of Cold Spring Park and two letters from abutters showing support for the Off-leash dog park. Mr. McIntyre reviewed the history of the pilot program. There are two types of off-leash dog park users; the first use the off-leash dog park and the second use the trails off-leash.
- Mr. McIntyre stated that even if you close down the program the issues will not go away. If we work together and solve the issues we can make it work. This is a park that a lot of residents want to use. Some neighbors want the program to fail who have off-leash dogs at Cold Spring Park. Walter

Bernheimer asked for documentation on these neighbors who want the program to fail with off-leash dogs in the park, and asked what the logic is of these neighbors. Mr. McIntyre responded their wish is to have the program cancelled and have the park go back to the way it was.

- Mr. Marty Osmond accompanied by his service dog stated he was speaking for his service dog. His service dog works hard to assist him and is a hard working citizen. The dog's main pleasure and exercise is chasing balls. Mr. Osmond uses the Cold Spring Park off-leash dog park for the dogs exercise.
(Due to the large number of people in the hallway for the Commission Meeting the meeting was moved to the War Memorial.)
- Animal Control Officer John O'Connell stated in November 2008 he patrolled Cold Spring off-leash Dog Park between 11:00 am-1:00 pm. Officer O'Connell observed 6 off-leash dogs and 2 on leash dogs on the trail. In the park he observed 8-10 off leash dogs. In March of 2009 Officer O'Connell patrolled 21 days between 11:00 am-1:00 pm. He issued 12 verbal warnings, one written warning and 6 City ordinance warnings. There have been no reports of dog bites and there appear to be more off-leash dogs in the parks than on the trails, when he is patrolling.
- Captain Howard Mintz, Supervisor of the traffic bureau and animal control divisions, stated Officer O'Connell has been handling all the animal control duties by himself since the retirement of a second officer and he is hoping to hire a second animal control officer soon. There is a large file of complaints and incidents from the neighborhood. There is a fluxuation of positive and negative incidents. There are parking issues and verbal abuse by off-leash dog owners towards the abutters of the neighborhood. The Police Department is going to use the parking control officers in the area due to all the traffic issues. The department put fliers on cars regarding the parking and traffic issues and he received complaints about litter from the fliers being thrown on the ground. There is a quality of life issue in the neighborhood and the Police department is doing what they can to help with the issues.
- Chief Matt Cummings stated the Police Department is neither pro nor con regarding the off-leash dog park. The department is there to enforce the laws of the program. Chief Cummings did acknowledge the parking issues and the off-leash dogs on the trails, which Office O'Connell and Captain Mintz addressed.
- Chairman Rice asked for questions for the Police Department:
 - Q. While the Police are walking around is there better compliance to the rules and regulations?
 - A. Officer O'Connell responded yes.

 - Q. Will you (Animal Control Division) be fully staffed?
 - A. Captain Mintz responded-Yes

 - Q. Resident, Rodney Gould asked what type of parking rules currently exist in the neighborhood.
 - A. Captain Mintz responded there are currently no parking restrictions.

 - Q. Have you noticed dramatic increases in parking incidents or rude behavior?

A. Captain Mintz responded –Yes, there has been an increase in parking complaints on Beverly Road and Dunklee Street.

Q. Has there been a dramatic increase in violations in response to the increased population?

A. No statistic study has been done.

Q. What is the fine for dog's off-leash? And how many fines have been issued over the last three months?

A. The fine is \$50.00. There have been three fines issued in the access road and trail

Q. Are there any patrols in the early morning?

A. Officer O'Connell responded his shift is from 7:30am-3:30pm. He will patrol for 30 minutes between 11:00am-1pm.

Q. Do you utilize bike patrols for the park?

A. The Police department has bike patrols but currently they are utilized elsewhere, but they can take a look at using them for the park.

Q. Will patrols increase where kids use the park?

A. Yes and increase parking enforcement

Q. What is the schedule to implement parking enforcement?

A. The schedule will begin within the week.

Q. Should the traffic restrictions change?

A. The Police cannot change the restrictions you would need to petition the Traffic Commission and the Board of Alderman.

Q. Is it against the rules for other officers to give citations?

A. No

- Alderman Albright thanked everyone for participating in the off-leash dog park experiment, for changing policy and work towards changing behavior. This has been a two year journey and though it may not be perfect we are on the right path, we just need patience.
- Amy Koel, Chairperson of the Dog off-leash Advisory Committee (DOLAC) thanked everyone. Amy reviewed the DOLAC report submitted to the Commission regarding the dog park progress. Amy acknowledged the parking issues, which are now being addressed. Amy stated that the issues are slowly getting better and working together we can solve the issues. The pilot program should not be terminated.
- Chairman Rice thanked everyone and recommended factions from each group meet with Alderman Albright and report back to the Parks & Recreation Commission with solutions to the issues.
(At this time the meeting was moved back to Room 209)
- Attorney Peter Harrington asked to be heard regarding the off-leash dog park. Attorney Harrington represents a few abutters of Cold Spring Park. The concerns of his clients are the quality of life in the neighborhood, the feces and urine on the fields, intimidating dogs and the verbal abuse and aggressive

behavior of the dog owners. Attorney Harrington suggests if the trial continues perhaps there should be more defined regulations.

- Chairman Rice instructed Attorney Harrington to send the recommendations to the Commission and they will be forwarded to Alderman Albright's Committee.

4. Warren Street – Sound barrier/Conservation Area

Sound Barrier

- Jim DeVellis, Civil Engineer for property owner Jeff Goldman of 24 Warren Street reviewed the plan for the property at 24 Warren Street and Elgin Ave., including the sound barrier and the parking on Warren Street. Mr. Goldman has offered to care for the City Park land next to his property.
- Peter Kastner asked if the original house was still standing. Mr. DeVellis replied the old house is gone and the new house has been pushed back a little and they have added “green” products to the new house.
- Michael Clarke asked what the nature of the sound barrier will be. Mr. DeVellis passed around documentation that shows the two options, 1) a light weight material that would allow for the use of light construction equipment 2) traditional wood. The price is comparable for both products. The cost would be around \$200,000.00.
- Chairman Rice asked how far the barrier would be from the tracks. Mr. DeVellis responded the stakes are about 55 feet from the tracks.
- Peter Kastner asked if they received permission from the Commission to stake public land. Mr. DeVellis responded yes, Commissioner Towle and Anne Phelps, Conservation, directed them to go out there.
- Mr. DeVellis continued to explain they had environmentalists test soil samples from the area and the samples included glass. The area must have been a dump site. The train tracks will be below the sound barrier and there is park land on the other side of the train tracks.
- Peter Kastner asked what the barrier would deflect to the other side of the tracks and what if they put in trees instead. Mr. DeVellis responded this would be more invasive because they would have to dig into the land.
- Michael Clarke asked how much sound is coming from the trains. Mr. DeVellis responded they have not performed a full study but Mr. Goldman is very sound sensitive. Mr. Goldman commented it is not the sound decuples that bother him but the sound of the train tracks. Michael Clarke asked if the train track noise goes through 100’ of woods. Mr. DeVellis was standing 700’ away from the tracks at 24 Warren Street and the train noise was annoying.
- Mr. Bernheimer stated the Commission needs to determine if there is any downside to this plan for the City. The barrier would be a positive item for Mr. Goldman but the sound deflection may be an issue.
- Lee Mottard stated the people using the park land would benefit from the upkeep provided by Mr. Goldman.
- Michael Clarke asked dif the structure would be a barrier to wildlife. Mr. DeVellis responded no, the wildlife could go under the structure of around the structure.
- Peter Kastner stated a private citizen maintaining public land may be an issue.
- Michael Clarke stated the plan has no measurements on impact of the structure. Will the wall traverse the access path? There is too much we do not know.
- Peter Johnson stated the Fire Department may need to have access to the land and train tracks. Mr. DeVellis stated there is no access now, the area is

overgrown. Commissioner Towle commented she has sent the plans to the Fire Chief for his review. Peter also commented the Planning department should be contacted.

Conservation Land – Webster Woods

- Mr. DeVellis explained Warren Street ends and turns into a gravel road. Mr. Goldman plans to put a turnaround at the end of the paved road, before the gravel road with two parking spaces. A sign would be put up at the end of the paved road reading “Emergency Vehicles Only”.
- Peter Kastner asked if the gravel road would still be passable. Mr. DeVellis responded, yes but there would be no parking by the house at 24 Warren Street.
- Chairman Rice stated he has spoken with President Baker and the BOA want residents to be able to park on both sides of road and access to the playground.
- Peter Kastner stated the deed from the original owners allows accessibility to the conservation land from Warren Street. Mr. Goldman asked why the handicap require access if walking to the woods.
- Mr. Bernheimer stated if the cars were not allowed access there would be chaos, people would park everywhere. Peter Kastner stated the plan does provide two parking spaces but that is not enough.
- Octo Barnett of 34 Westminster Road stated the two parking spaces provided in the plan are located on a steep hill. Mr. Barnett leads hikes for the elderly. Currently the gravel access road allows the group to park near the pathway on the conservation land. Mr. Goldman agreed to allow the conservators to park on the access road near the pathway.
- Mr. Barnett stated in the original deed the City had agreed to put in a parking lot in this area, but have never done so.
- Chairman Rice stated the area is for parking and should stay that way.
- Mr. Bernheimer asked what would stop people from parking in this area. Mr. Barnett stated the sign put up at the end of the paved road reading “Emergency Vehicles Only” would stop people.
- Mr. Johnson, Mr. Bernheimer, Mr. Clarke agreed this could be a problem. Commissioner Towle commented Public access is required.
- Mr. Johnson commented Mr. Goldman & Mr. DeVellis are doing a great job, but need a better plan.
- Mr. Goldman stated he is trying to help the City by caring for the property. He does not want to live next to a parking lot. Mr. Goldman stated maybe he should sell the land to the developer.
- Michael Clarke stated the Commission needs to address the issue of landscaping on public property. Mr. DeVellis stated they are not proposing any landscaping.

- Mr. Barnett stated the Webster Woods Conservation land has three access sides, Warren Street, Elgin Street and Maddox Street. Elgin Street is too steep. There is no access to playground from Maddox Street. Warren Street has access to the playground and Webster Woods. Webster Woods has 10 miles of trails a vernal pool and bird watching his concern is handicap access and the barrier would reduce the attractiveness. The content of the 1934 deed shows the importance of handicap access. Mr. Barnett stated they would not be noisy.
- Larry Smith of Auburndale asked if there has been an environmental impact study. Chairperson Rice replied no not by the Commission.

- Marie Abernathy of Auburndale stated after living in the area two weeks you would probably not hear the noise at all.
 - Fred Abernathy of Auburndale stated having the ability to park near the playground is essential.
 - Chairman Rice and Commissioner Towle made the following recommendations to Mr. DeVellis and Mr. Goldman:
 - They need a better plan now that they understand the accessibility needs
 - Zero in on the barrier details
 - Lay out of the road is important, must take into consideration what was discussed at this meeting.
 - Negotiate about grass cutting and amenities
 - Actual quantification of sound from train tracks
5. Crystal Lake Update
- Crystal Lake is scheduled to open on June 8.
 - The Task Force will probably meet again in July to finalize the recommendation on plans.
 - A new group has formed, the Friends of Crystal Lake and is currently in the organizational stage and meets periodically.

Meeting adjourned at 9:51 pm.
Respectfully submitted:
Robin McLaughlin, Secretary



David B. Cohen
Mayor

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

June 15, 2009



Fran L. Towle
Commissioner

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice-Chairman*, Peter Johnson, Arthur Magni, Kathleen Heitman, Lee Mottard, Jack Neville, *Alternate*, Michael Clarke, *Alternate*, Peter Kastner, *Alternate*, Fran Towle, *Commissioner*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Also Attending: Carol Stapleton-*Recreation Manager*, Tom Cahill-*Aquatics Manager*, Carol Schein-*Open Space Coordinator*, Maurya Sullivan, *Planning*

Youth Service Awards ceremony took place in the Aldermanic Chambers at 7:00 pm.

Commission Meeting began at 7:45 pm.

1. The Minutes from the May 18, 2009 Commission Meeting were accepted 8-0
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - The Traffic Commission –approved carriage road change to one way going east from Islington Rd (Newton West Little League). This change has limited costs and will improve the flow of traffic.
 - The Swim season opened June 8 at Crystal Lake and Gath Pool.
 - The Special Olympics is taking place this weekend (June 20, & 21) at Harvard University. Mark Kelly-*Special Needs Director* and the athletes will be staying at Boston University.
 - Most of the summer camps are full, there may be a few spots remaining.
 - The Fourth of July is going to be celebrated on the 4th of July this year. There will be no band but there will be a DJ and fireworks.
 - The cost of the new tree pruning contract has gone up three times to what it was in the previous contract, due to an increase in prevailing wages. This will reduce the number of trees being removed and pruned.
3. Crystal Lake
 - Chairman Rice reviewed a letter the Commission received from the Programs & Services Committee requesting an extended swim season at Crystal Lake from August 24, 2009 through and including Labor Day and a request to research the possibility of a Swim at Your Own Risk Policy at Crystal Lake.

Extending the Swim Season

- Commissioner Towle stated she has asked her staff to check the availability of the lifeguards.
 - Crystal Lake does not have any guards available after August 23, 2009.
 - Gath Pool has 7-8 lifeguards available but these lifeguards will be utilized to cover the pool hours already scheduled.
 - The Commissioner has contacted the YMCA. The YMCA may have lifeguards available for one of the weeks but, the lifeguards may not have the Waterfront Module Certification.
 - Mr. Bernheimer asked how many lifeguards would be needed to staff Crystal Lake and when the lifeguards are scheduled to be gone for the season. Carol Stapleton responded Crystal Lake requires 8 lifeguards and a manger. Managers can be rotated in the schedule. The guards are currently scheduled through August 23.
 - Commissioner Towle requested the Commission's permission to send an ad to surrounding Colleges and Recreation Departments to recruit lifeguards. Chairman Rice agreed to the request.
- Commissioner Towle introduced Aquatics Manager Tom Cahill who also sits on the board for the American Red Cross. Mr. Cahill commented if there are lifeguards available he will provide the training. The issue is the guards head back to school and sports activities the end of August and this makes it difficult to recruit lifeguards. It is easier to recruit pool lifeguards than it is to recruit lake lifeguards because of the required Waterfront Module certification. Swimming will be available at Gath Pool between August 24 and September 7.

Swim at Your Own Risk

- Chairperson Rice asked the Commission members for their opinions regarding a Swim at Your Own Risk Policy at Crystal Lake.
 - Commissioner Towle commented her first priority is safety at Crystal Lake.
 - Carol Stapleton, Crystal Lake Manager commented this would be an unsafe policy
 - Lee Mottard asked if the aqualator would be left on or off. Carol Stapleton replied the aqualator would be turned off because the electric current would be unsafe in an unsupervised area. Tom Cahill commented the aqualator also creates a current that could cause a small child to be swept away.
 - Mr. Bernheimer also commented a Swim at your own Risk Policy does not make sense.

Co-Chairman Walter Bernheimer made a motion to maintain the current policy, swimming only with proper supervision. Arthur Magni seconded the motion. The motion passed with a vote of 6-1-1.

4. Off-Leash Dog Park

- Amy Koel, Chairperson of the Dog Off-Leash Advisory Committee (DOLAC) reviewed the monthly report. Amy thanked the Police Department and stated another dog officer is being trained. There are five park locations in the pipeline to apply to DOLAC for an off-leash dog park. These parks are Norumbega Park, Nahanton Park, Newton Center, Braceland and Edmands.

- Mr. Neville asked Chairperson Koel if anyone has come forward to represent Braceland Park, Chairperson Koel responded yes.
- Mr. Bernheimer asked how these five parks compare to Cold Spring Park in regards to access and parking. Chairperson Koel responded that each park has different issues to be addressed.
- Chairperson Koel commented that Alderman Albright and Alderman Danberg have docketed, in July, a request for a two-year extension for the off-leash dog program. The program is scheduled to expire December 2009.
- Chairman Rice asked Chairperson Koel how the problems at the dog parks were going to be solved. Chairperson Koel responded the issues would be solved with the help of volunteers.
- Chairman Rice asked Chairperson Koel why there is no charge for the use of the off-leash dog park. Chairperson Koel responded the Committee had discussed charging a fee; the issue is that enforcement of the fee would be difficult.
- Ms. Heitman asked if DOLAC expected more issues at Cold Spring off-leash Dog Park when the weather is warmer. Chairperson Koel responded yes and the committee will be using volunteers to help with the situation. The parking issues are being addressed by the traffic council, the applicant group is already parking elsewhere to alleviate the situation, but the little league participants are still parking on the side roads.
- Ms. Heitman asked if the field is clean. Chairperson Koel responded, yes the field is clean.
- Chairman Rice asked if DOLAC will continue to address the issues. Chairperson Koel responded yes it is our responsibility.
- Mr. Magni commented Cold Spring Park is not a good experiment and is not hopeful of a resolution at Cold Spring Park. The trial has been traumatic for the abutters, but he is hopeful of the other off-leash dog parks being requested.
- Alderman Danberg commented DOLAC is working with both groups. They are meeting with the traffic council on June 25, 2009 to address restrictions of parking on side streets.
- Alderman Mansfield commented he agrees with Mr. Magni, the Cold Spring Dog Park is a failed experiment and the experiment should be suspended or cut back.
- Chairman Rice commented if the issues cannot be solved in Cold Spring Park how are issues going to be solved in 3-4 other parks.
- Alderman Parker commented the Cold Spring Off-leash Dog Park has been a difficult situation. This is one dog park for 85,000 people and it has been an intense impact on the neighborhood. Alderman Parker requested a special Commission meeting during the summer to pass other dog parks and also stated we need to work together to fix the flaws.
- Peter Kastner commented when the ordinance was proposed they mentioned two flaws; it was lacking enforcement and fencing.
- Mr. Bernheimer commented the Commission was reluctant when the ordinance was proposed but it does not make sense to suspend and re-open the dog park at this time. Mr. Bernheimer suggests opening more parks in few weeks or stopping the Cold Spring Park experiment. The Commission should have a Special meeting in July.

- Chairman Rice commented DOLAC is trying to work out the issues. There is a new dog officer. DOLAC should be allowed to work out the problems and re-visit in the fall.
- Bob Stock of 43 Beverly Road and Eve Cohen of 47 Beverly Road objected to Chairman Rice's statement to re-visit the program in the fall. Eve Cohen insisted on making a statement. Mrs. Cohen hopes the off-leash program works but the Commission cannot keep asking the abutters to shoulder the issues.
- Mr. Bernheimer stated he is an abutter and is skeptical the issues can be worked out. Without enforcement the program will not work and the police just don't care, they have other things to do.
- Michael Clarke commented he is concerned about extending the programs to other areas if the Cold Spring Park program cannot be enforced now. Expanding may be a problem.
- Chairperson Koel commented there are issues and the animosity is high on both sides. But there is progress being made, the field is calm and a community is being built in the off-leash dog park area. DOLAC and the Commission need to determine what is and what is not working.
- A West Newton dog owner commented there are thousands of dog owners in the City. The off-leash dog park has been a positive experience for many of these owners.
- Michael Clarke commented that a group of people in the fields creating a community is positive, and hopes all can work this out.
- Chairman Rice stated:
 - There will be no vote tonight on the fate of the Cold Spring Park off-leash Dog Park experiment.
 - The Board of Alderman and DOLAC are handling the issues.
 - If you have comments or suggestions please attend the DOLAC meeting on 6-18-09 in room 222 at City Hall at 6:30pm.
 - There will be a Special Commission Meeting in July to address the issues. Date TBD.
 - The Police will be invited. A request was made to have the Police bring data regarding the citations given out at the dog park.

5. Warren Street Proposal-Parking & Sound Barrier

Parking

- Chairman Rice commented the Commission members have received & reviewed the revised proposal for the Warren Street Sound Barrier and parking. The road is going to remain the same and the poles near parking area have been moved over three feet. Grass is going to be put on the side of the road for cars to park on and there will be a circle at end of road for parking. Chairman Rice asked the Commission members if there were any questions or comments:
 - Mr. Kastner asked if they could use gravel instead of grass on the side of the road because grass would discourage parking and become muddy if wet when parked on. Parking on the field is discouraged because of the grass. The area needs to be accessible.
 - Mr. DeVellis explained the plan uses grass to discourage parking near the driveway, so his client can get in and out of his driveway. The road

will be made of asphalt with gravel rolled on top and will go up to the gate.

- Ms. Heitman inquired how many cars actually park on the road. Mr. DeVellis stated not many.
- Mr. Neville commented the asphalt with gravel top dressing as described by Mr. DeVellis would work.
- Mr. Kastner stated they should use gravel dust. Mr. DeVellis stated Thompson Brook runs through the area and gravel dust would be a disaster for the Conservation Commission because it causes siltation. Mr. Kastner stated the Conservation Commission has no jurisdiction and Mr. DeVellis corrected him by stating the Conservation Commission has jurisdiction 100 ft around Thompson Brook, which is wetlands.
- Mr. Barnett of 34 Westminster Rd, stated there are at least one or two cars parked and as many as three or four. The road being added is ineffective because the parking area is cut off. Chairman Rice said the road will stay as it is.
- Mr. Clarke asked if the road material is impermeable. Jim DeVellis responded yes. Mr. Clarke believes the Conservation Commission will object.
- Mr. Clarke asked why we need the paved area all the way down past the driveway. Mr. DeVellis responded the Commission requested it be paved, they did not want it. Chairman Rice commented a paved road is easier access for trucks and emergency vehicles. Commissioner Towle commented the closer you can get to the park the better it is for accessibility. Mr. DeVellis commented Chief LaCroix only needs to get to the driveway to put a fire out at the house.
- Mr. Barnett asked about the edge along the road in the circle. The edge would discourage people from driving onto the road. Mr. Clarke asked what type of edge. Mr. DeVellis responded they were going to add granite or asphalt edge, but he could remove the edge from the plan. Chairman Rice responded the Commission does not want the edge; the road needs to be accessible.
- Mr. Kastner commented we need visual signals to explain how an area should be used. If you grass an area and put loam over it, people are trained not to drive over it, they will not drive on it. Arthur Magni agreed with Mr. Kastner and asked if signage would correct this issue.
- Mr. DeVellis commented that in the original design there were trees but the Commission did not want the obstructions. If the road is to be shared (City & Mr. Goldman) each has ownership to the middle of the road then there would be no parking on either side.
- Mr. Barnett commented that the side of the road, opposite the house, is a drop off and cannot be used for parking.
- Mr. Clarke commented if the applicant wants to add edging on his side of the road up to driveway that would be ok and then signage could be added, clearly indicating where the parking area is located.
- Mr. Goldman stated at the meeting last month the Commission requested changes and at his own expense the changes were made to the plan and he is not sure why there is an objection to this new plan.

- Mr. Barnett commented it is because the plan takes away half of the parking.
- Mr. Clarke commented part of the problem is with the 4” of loam. The loam will be ruined if driven on. If the loam could be minimized and still have grass grow that would work. Mr. DeVellis commented blue stone gravel could be used.
- Mr. Goldman commented people could park in his driveway. Mr. Barnett commented that parking in his driveway is not welcoming.
- Mr. Johnson commented a parking plan is required. Mr. Clarke & Mr. Kastner agreed.
- Mr. Goldman commented there is no parking lot in the area now and he does not want to live next to a parking lot. He would object to living next to a parking lot. He is enhancing the area at his own expense and it is not fair to add more parking. He does not want the entire City invited to his property.
- Mr. Clarke stated we want to preserve the area for parking and other visuals, such as a split rail fence could be used to indicate the parking area.
- Commissioner Towle commented the paved road will allow easier accessibility to the park. Mr. Clarke asked if this was an ADA requirement. Commissioner Towle responded no.
- Commissioner Towle reminded the Commission that the parking plan needs to go back to Fire Chief LaCroix for approval. Emergency vehicles are required to have access to train tracks.

Mr. Mottard made a motion that Mr. Goldman & Mr. DeVellis come back to the Commission with a plan on parking for up to five (5) cars. Mr. Bernheimer seconded the motion. The motion passed 5-0-2 (Kastner, Heitman)

Sound Barrier

- Commissioner Towle reminded everyone that the plan needs to go back to Fire Chief LaCroix for approval. Emergency vehicles are required to have access to the train tracks. The plan must also go to a public meeting for abutters and a final meeting for approval.
- Commissioner Towle commented the benefits of the sound barrier to the park must be stated in the formal agreement and a formal maintenance agreement must be included.
- Mr. Clarke asked what the benefit is of the sound barrier to the public land. Mr. Bernheimer commented at first he believed the sound barrier idea was absurd, but it makes sense, the train noise is a nuisance and the wall would be a benefit in reducing the noise for the users of the park.
- Mr. Clarke stated the noise from the train is not continuous and the highest decuples occur when the train is taking a turn. There are no turns at this section of the tracks. Therefore there is no benefit to the park and its users.
- The sound engineer hired by Mr. DeVellis explained the sound barrier provides sound reduction 365 days per year. The closer the sound barrier is to the source the more effective it is.

- Mr. Clarke commented if the wall is more effective closer to the source why they haven't gone to the MBTA. This is an MBTA problem.
- Jim DeVellis responded they did approach the MBTA a year ago without success.
- Mr. Barnett stated the old deed will be an issue regarding building within 60' of the property line. Mr. DeVellis stated the barrier is in the proper location and if the barrier was any closer to the tracks it would be going down hill.

Peter Johnson made a motion to approve the concept of the sound barrier upon approval of all other necessary committee's and departments. The motion was seconded by Walter Bernheimer. Motion passed 6-2-0 (Kastner, Magni).

President Baker stopped by the Commission Meeting and commented that Mr. Goldman is doing some useful things on the public land at Warren Street; the deed provides a provision for parking and there is an existing parking area.

6. Cell Phone Tower Presentation- Maurya Sullivan

- Five cell phone companies have inquired about leasing public property to install cell towers.
- Currently there are 70-80 towers on private property in Newton. The City Hall Cupola is the only City property with towers. The companies pay around \$35,000/year.
- The Citizen's Advisory Group (CAG) has recommended with the current economic situation, the City (Parks & Recreation and DPW) look into leasing park lands/buildings.
- Mr. Bernheimer asked if the Newton Public Schools (NPS) were included. Ms. Sullivan stated no, not at this time. Mr. Bernheimer responded the Commission should not look into this until NPS is included. Mr. Kastner agreed.
- Mr. Magni asked if there were any health issues with the towers being near a school. Ms. Sullivan replied no there are no health issues.
- Ms. Sullivan commented the locations the providers are interested in do not include any school locations at this time. The four locations the cell companies are currently interested in are:
 1. Halloran Complex
 2. Cold Spring Park
 3. Edmunds Park
 4. Oak Hill (by water tank)
- Ms. Sullivan commented there are many types of cell towers to choose from. And the type of tower would be determined later in the process. Mr. Clarke commented a balloon could be floated up to the height of the tower before installing.

- Ms. Sullivan explained the process to move forward with leasing public property to cell phone companies:
 1. Presentation to the Parks & Recreation Commission
 2. Presentation to The Board of Alderman- Public Facilities Committee
 3. Issuance of a Request for Proposal (RFP)
 4. Board of Alderman-Land Use Process
 5. Executive Lease issued. The lease term would be for 10 years with 2-five year extensions

- Mr. Clarke asked Ms. Sullivan if she has seen all 5 companies plans for Newton. Ms. Sullivan responded yes.
- Ms. Sullivan commented they are working with the Inspector Generals Office to implement a revolving RFP for those companies who cannot build right away.
- Mr. Clarke asked if this plan is going to the Conservation Commission. Ms. Sullivan responded not yet.
- Ms. Sullivan stated if we do not make sites available the carriers could sue the City under the FCC Acts of 1996.
- Mr. Bernheimer requested Ms. Sullivan come back to the Commission in September with specifics and benefits.

Meeting adjourned at 10:45 pm.

Respectfully submitted:

Robin McLaughlin, Secretary



David B. Cohen
Mayor

Newton Parks & Recreation Commission



Fran L. Towle
Commissioner

Meeting Minutes

Newton City Hall, Room 209

July 20, 2009

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice-Chairman*, Arthur Magni, Kathleen Heitman, Lee Mottard, Jack Neville, *Alternate*, Michael Clarke, *Alternate*, Peter Kastner, *Alternate*, Fran Towle, *Commissioner*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Absent: Peter Johnson

Also Attending: John O'Connell, *Newton Police Dog Officer*, Amy Koel, *Chairman*, Dog Off-Leash Advisory Committee (DOLAC).

Commission Meeting began at 6:58 pm.

Chairman Rice announced to the audience they are welcome to listen to the meeting but there will be no comments from the audience. If there is any outbursts or disorder from the audience the meeting will be over. Tonight two new off-leash dog park sites will be presented by Chairman Koel of the Dog Off-Leash Advisory Committee (DOLAC). Abutters of the two applicant parks will be sent notification for a future meeting.

1. The Minutes from the June 15, 2009 Commission Meeting were accepted 8-0
2. Off-Leash Dog Park

Applications for off-leash dog parks

- Chairman Rice introduced DOLAC Chairman Amy Koel. Chairman Koel thanked Chairman Rice, the Commission, Officer O'Connell and the Newton Police Department.
- Chairperson Koel presented the off-leash dog park applications for Braceland Park on Chestnut Street in Newton Upper Falls and Nahanton Meadow Field at 525 Winchester Street.
- Chairperson Rice recommended notification be sent to abutters of both applicant locations for the September Commission meeting.

Chairman Rice made a motion to accept the applications and send letters to the abutters of both applicant locations for a second meeting in September. Ms. Heitman seconded the motion. Motion passed 8-0.

Cold Spring Park

- Chairman Rice opened the discussion for the off-leash dog park at Cold Spring Park. Chairman Rice asked Mr. Bernheimer for his comments.
- Mr. Bernheimer stated this meeting was scheduled because of the struggle with the off-leash dog park experiment at Cold Spring Park. An experiment is only useful if you learn from it. If we are going to have off-leash dog parks in Newton we must learn how to implement them the right way. We cannot have just one park in Newton, there needs to be several dog parks in Newton or no dog parks in Newton. The question is what have we learned and how do we apply what we have learned to other dog parks. Questions we should ask are should a dog park area be fenced, or should we charge a fee, require a license, or limit the hours of use. Chairman Rice asked Mr. Bernheimer for his recommendations and Mr. Bernheimer stated he would like to hear from the other Commission members.
- Ms. Heitman commented that the rules and regulations should be put in place and enforced before another dog park is opened.
- Mr. Magni commented fencing may not be necessary. The issue at Cold Spring Park is the dog's off-leash on the trails on their way to the dog park. Future dog parks should not be located near residential neighborhoods.
- Mr. Neville commented the Town of Brookline has done it's homework on dog parks. Brookline currently has a dog park and is two to three years ahead of Newton. Chairman Rice asked if Brookline had problems when the dog parks opened. Mr. Neville responded yes and they still have issues. Chairman Rice inquired if Brookline is charging a fee and what is the fee. Mr. Neville responded currently there is no fee for the use of the dog parks but Brookline is discussing fees around \$100-\$200. Mr. Bernheimer asked if the fee would be annual and Mr. Neville responded yes.
- Mr. Kastner stated he has visited other dog parks in Boston. These dog parks are small, fenced in, supply water for dogs and waste disposal sites. The dog parks are also considered an amenity. Mr. Kastner realizes the applicant group has good intentions but can you really expect a citizen's group to hold up an ordinance. Mr. Kastner stated there is a direct relationship to the number of signs and compliance to the rules. There are not enough signs for Cold Spring off-leash Dog Park. Fortunately, the Police have helped with enforcement but there needs to be more police involvement.
- Mr. Mottard commented in a micro sense there are issues but in a macro sense there is now a focus on Cold Spring Park creating parking and traffic issues. The micro issues are the fencing, cleanup, and enforcement. If the experiment is shutdown now there would be a blowback that would exasperate the issues. The e-mails from abutters are about the minority of owners who do not control their dogs. Mr. Mottard agrees there should be fencing. Fencing creates a membrane between the dog park and the rest of the park. Fees are a good idea and barrels' being emptied more often is also good idea. Enforcement is the key, the police have an entire city to manage and enforcement is difficult.

- Mr. Clarke commented we are committed to this experiment. He agrees with fencing the area and the fence should be paid for by the dog owners. There should also be a fee to use the dog park. Mr. Clarke stated dog parks should not be extended to other areas until the experiment at Cold Spring Park is working. If we are going to do this it must be enforced, if the dog park rules are not enforced, we should not have a dog park. Mr. Bernheimer commented enforcement is important if the city is not going to enforce the law then the whole city is an off-leash dog area. Mr. Clarke stated he lived in Washington DC near a dog park and there were never any issues because dogs remained on leash until they reached the park. Dog parks can work and enhance the community.
- Chairman Rice stated the issue seems to be the off-leash dogs going into the park. Chairman Rice asked Officer O'Connell for his comments and observations at Cold Spring Park.
- Officer O'Connell stated he and Officer Torres, the new dog officer, patrol Cold Spring Park once per shift. The Officers walk the trails and the dog park area. They patrol at different times of the day. Recently the Officers have been patrolling Cold Spring Park in the morning. The Officers are writing citations and have written a few warnings. Chairman Rice asked if the Officers patrol Cold Spring Park in civilian clothes. Officer O'Connell responded yes.
- Chairman Rice asked if things have improved in the last four weeks. Officer O'Connell responded he has seen a drop off in incidents in the last four weeks, but now the rain has stopped he will make new observations.
- Chairman Rice asked if the parking in the area has improved. Officer O'Connell stated there is less parking on Dunklee Street and Beverly Road. Last week there were ten cars parked on Dunklee Street and Beverly Road and only two cars belonged to individuals using the park. Today he wrote two parking tickets. Last week he also wrote two parking tickets.
- Chairman Rice asked if there were any changes with dogs being off-leash on the trails. Officer O'Connell responded last week he wrote two citations to repeat offenders. These individuals do not use the dog park they only use the trails.
- Mr. Bernheimer inquired how many tickets Officer O'Connell has written for off-leash dogs that makes money for the City. Officer O'Connell responded they have written five tickets in Cold Spring Park and three tickets in the rest of the City.
- Mr. Magni asked if the Officers work during the week-ends. Officer O'Connell responded yes they work a rotating schedule, four days on and two days off.
- Mr. Bernheimer asked Officer O'Connell if he had any recommendations on enforcement since we obviously do not have the man power to cover the current dog park. How will the rules and regulations be enforced at any additional dog parks. Officer O'Connell responded we will do the same thing we are doing now, random patrols. Mr. Bernheimer inquired if there is any way other people can be authorized to enforce the rules. Officer O'Connell responded no, only the Police can enforce the rules and he would not recommend anyone else confronting people on the trails.

- Mr. Neville inquired if the volume is down due to vacation. Officer O’Connell responded it could be, but he believes the mystique has worn off about the off-leash park. He has spoken with other people and they have told him because the Officers are on the trails in Cold Spring Park giving tickets they have gone to other parks, the Officers are now going to the other parks.
- Peter Kastner stated the Commission can hire Municipal Police or Park Rangers. Peter asked Officer O’Connell if this would help with enforcement. Officer O’Connell responded there is no advantage and he is not sure what a Park Ranger does.
- Chairman Rice stated when the Police are called they respond. He had an incident at Cold Spring Park with an off-leash dog owner, he called the Police and they responded immediately.
- Mr. Bernheimer commented most people walking their dog’s off-leash on the trail know the rules. A Park Ranger walking the trail and handing out tickets would help. His children live in different parts of the country near dog parks. The dog parks in these areas are fenced and the leash law is strictly enforced. Mr. Bernheimer asked about the idea of restricted hours.
- Chairman Rice commented this experiment seems to be improving. There should be restricted hours and signage. A few people are spoiling it for the majority.
- Mr. Kastner stated when he visited Cold Spring Park at different times, 20-30% of the dogs were off-leash. We should discuss limiting the number of dogs allowed in the Dog Park with an individual. Chairman Rice commented there is a limit of three dogs per person. Officer O’Connell stated this rule is enforced.
- Mr. Magni is not sure we have scientific data to prove the experiment is improving. This program should be a benefit to the community. As we discuss and implement rules we need to be aware the rules will only be as good as the enforcement of the rules.
- Officer O’Connell stated the issue at Cold Spring Park is the off-leash dogs on the trails. Establishing other parks will create different issues.
- Chairman Rice asked the Commission Members if Cold Spring Dog Park should remain open.
- Mr. Bernheimer stated we should not change anything right now but we should think about the ordinance when it is ready to expire.
- Mr. Kastner stated the report from DOLAC is overdue. Chairman Koel stated the report was submitted to the Alderman in June. Mr. Kastner asked what we could do to make this situation easier for the neighbors. Picking up the trash more often would make things easier for the neighbors.
- Chairman Rice asked Commissioner Towle for her comments. Commissioner Towle stated when this item came before the Commission she had stated this needed to be a win-win-win situation. There is obviously a need for dog parks in Newton and we must learn from this pilot project. Mistakes may be made but we must learn from them.

- Mr. Magni concurred with Commissioner Towle, there is a need and we may eventually close Cold Spring Park. We should spend our energy looking for a location where there will be no head butting between neighbors and dog owners.
- Chairman Rice stated no matter what we need more signs at all entrances of the park. Let the trial run as is and get more signs.
- Mr. Bernheimer asked who would be responsible for the signs. Chairman Rice stated Chairman Koel has signs. Chairman Koel responded she has the information for the existing signs put up in Cold Spring Park.
- Mr. Bernheimer stated let Cold Spring Park run as is, do not do anything else. Later we can decide what to do at Cold Spring Park and the other applicant parks. Chairman Rice agreed.
- Mr. Bernheimer asked if we want to charge a fee, can the Commission establish a fee, if so where would the funds go. Chairman Rice stated Commissioner Towle has information on fees. Commissioner Towle stated if you charge a fee you have to enforce the fee, meaning who is going to pay, how are you going to collect the fee and what are you going to do if someone does not pay. It is not like a class people sign up for and then attend the class. Chairman Rice asked Chairman Koel to review the idea of fees and could she speak to the Law Department. Chairman Koel stated DOLAC has already discussed fees but they would revisit the idea.
- Mr. Bernheimer stated the Commission should be investigating fees not the volunteers. Commissioner Towle stated she would like to work with the DOLAC regarding fees. Mr. Bernheimer & Mr. Kastner asked why. We have learned we cannot rely on volunteers. The Commission Members are the decision makers. Chairman Rice stated Commissioner Towle has already contacted the Law Department. Mr. Bernheimer stated we need to know how to establish a fee and how to enforce the fee. Chairman Rice requested Commissioner Towle submit a report at the September Commission Meeting regarding fees.
- Mr. Kastner stated the City has been level funded and if there is a cost to this program we should establish a fee.
- Mr. Clarke commented we will need to know what we are charging a fee for, such as a fence or enforcement. How much is the fee? Commissioner Towle commented if you charge a fee you will need someone to enforce the fee.
- Mr. Bernheimer wants to know what the fee system will look like. Mr. Clarke stated you will need to know the cost for enforcement and figure that cost into the fee. Without enforcement a fee system will not work.
- Mr. Magni commented going forward we need to give the neighbors some peace of mind. At this point the experiment is over in December. Mr. Bernheimer stated the ordinance expires in December and at that point it will be illegal to have a dog off-leash in Cold Spring Park. The decision is in the hands of the Alderman to extend the ordinance and Mr. Bernheimer does not want the ordinance to be extended as is, he wants to see it improved.
- Mr. Neville asked a question of Chairman Koel from Alderman Yates. Has the DOLAC Report been sent to the Alderman? Chairman Koel responded yes in

June. Chairman Rice asked if a report could be submitted to the Commission. Chairman Koel responded yes.

- Chairman Koel commented it would be terrific if the government got involved, the volunteers should not be responsible to establish and pay for the dog parks on their own. Mr. Bernheimer agreed. Chairman Koel stated data collection from Cold Spring Dog Park would also be helpful.
- Chairman Rice concluded the discussion and thanked Officer O'Connell and Chairman Koel.

3. Warren Street Proposal

- Chairman Rice introduced Mr. Jeff Goldman of 24 Warren Street. Mr. Goldman asked the Commission members if being part of the Commission is a volunteer position. The members responded yes. Everyone here does something for the City and it is nice to be recognized.
- Mr. Goldman has asked to install a sound barrier on the playground which abuts his property located at the end of Warren Street. The purpose of the sound barrier is to reduce the noise coming from the MBTA train tracks. Mr. Goldman began by asking how the sound barrier benefits the city:
 - Putting in a sound barrier is not setting a precedent for others to install sound barriers
 - He has offered to pay for the maintenance of the playground fields
 - He is relocating the utility lines underground, at his own expense, which benefits the City.
 - There is no negative impact from the sound barrier to anyone.
 - The question is how the construction will affect the area. Mr. Goldman stated he is not Engineer and is not sure how the barrier would be built but the construction would be sensitive to trees and wildlife.
- Chairman Rice asked Commissioner Towle for her opinion on the sound barrier. Commissioner Towle commented, as stated in the memo from the Law Department that was submitted to the Commission during the May 2009 meeting, before a vote is taken the members must determine the benefits of the sound barrier to the park. When the vote is taken the benefits of the barrier must be listed along with the vote. It is strictly the benefits of the barrier and not everything that comes with it that is to be voted on. Commissioner Towle stated the only benefit she sees is some muting of the train track sounds, but there is noise all around the City in all the parks from trains, traffic and children playing. The Commission Members must decide how important it is that the barrier mute the train sounds in the park.
- Chairman Rice commented the benefit of the barrier would be nil compared to the noise from the surrounding traffic. This wall becomes a model for everyone else that would like a barrier in their neighborhood. But Mr. Goldman is different

because he is willing to pay for the barrier. Others will not want to pay for a barrier.

- Mr. Mottard stated he has two viewpoints on the barrier. In opposition of the barrier, the noise from airplanes taking off and the noise from traffic are more intrusive than the sounds from the trains. On the other side, the barrier is a small concession compared to the benefits to the city such as the planned parking and maintenance of the grounds. Commissioner Towle repeated that those benefits cannot be considered when voting on the barrier, the benefits of the wall itself is all that can be considered. Mr. Mottard commented it is difficult to separate the entire project.
- Mr. Clarke commented there is no benefit. A 500' obstacle in the middle of the park is unattractive to park users and train riders.
- Ms. Heitman stated she is torn regarding the sound barrier. She commends Mr. Goldman for what he is trying to do and then there are the legal guidelines from the Law Department. Following the legal guidelines the barrier would have a negative impact on the park.
- Mr. Magni commented the intrusion of the wall is not worth the periodic sound from the train.
- Mr. Neville commented the barrier would hinder the park.
- Mr. Kastner commented the barrier is not an improvement to the park.
- Mr. Bernheimer has nothing to add.
- Mr. Goldman commented the length of the sound barrier was the idea of the Engineer and he would be willing to change the length going into the woods.
- Alderman Baker asked if the Commission has seen the aerial site photo. Chairman Rice replied yes. Alderman Baker commented Mr. Goldman has done a lot of work in the area, but he agrees with Commissioner Towle, the Commission must follow the guidelines from the Law Department.
- Jane Sender from the Newton Conservators commented private investments on public land should be held to a higher standard. There should be no private building on public space.
- Mr. Mottard commented knowing now what he already should have known, he cannot support the sound barrier in the playground area.

Mr. Clarke made the motion not to permit the wall on Warren Park Land. Chairman Rice seconded the motion. The Motion passed 8-0.

- Commissioner Towle inquired what Mr. Goldman is going to do with the road. Mr. Goldman stated the road will remain as is he is not making any changes.
- Alderman Baker commented there is currently a gravel surface on the road. When the house construction is completed will the road return to its original condition. Mr. Goldman confirmed the road would be returned to its original condition.

4. Administrative Business

- At the request of the City Clerk's Office, the "City of Newton Appointed Committee Handbook" was passed out by the Commission Secretary to all Commission Members present. All members present signed the back page signature card of the handbook, as instructed. The Commission Secretary agreed to turn in the signed signature cards to the City Clerks Office Tuesday, July 21, 2009.

Meeting adjourned at 8:30 pm.

Respectfully submitted:

Robin McLaughlin, Secretary



David B. Cohen
Mayor

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, War Memorial

September 21, 2009

Attending: Fran Rice, *Chairman*, Arthur Magni, Kathleen Heitman, Lee Mottard, Peter Johnson, Jack Neville, *Alternate*, Peter Kastner, *Alternate*, Fran Towle, *Commissioner*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Absent: Walter Bernheimer, Michael Clarke

Also Attending: Officer O'Connell & Officer Torres, *Newton Police Dog Officers*, Amy Koel, *Chairman*, Dog Off-Leash Advisory Committee (DOLAC), Janice Bourque, Crystal Lake Task Force Chairman, Amy Yuhasz, Planning Dept, Carol Stapleton, Recreation Manager.

Commission Meeting called to order at 7:06 pm.

1. Meeting Minutes from 07-20-09 Meeting accepted 7-0.

2. Commissioner's Reports on Programs, Forestry and Maintenance

- Crystal Lake and Gath Pool had a successful season.
- Camps were full this summer. We believe the economy helped boost attendance. At the end of the season parents, who have paid for more expensive camps, commented they could not believe the great quality of the P & R camps, and they will be back next year.
- New this year for the teens was an overnight camp get-away in the Berkshire Mountains in Kent, CT. The campers and staff were kept busy and everyone had a great time.
- The July 4th week-end activities and concerts were enjoyed by all without incident.
- Farmer's Market is open until the end of October. Judy Dore is doing a great job managing the Farmer's Market. Mr. Magni inquired about the attendance of each market location. Commissioner Towle responded the Cold Spring Park Market has been very busy all season and the Post 440 numbers are slowly rising.
- NWLL lighting is complete and being utilized at Lyons Field. The Department of Public Works has completed paving the road. Mr. Kastner commented he lives in the area and did not notice the lights were on, which is a good thing. Mr. Mottard asked if this was special lighting. Commissioner Towle responded yes it is "low spill" lighting.
- NSHS tennis courts are resealed-resurfaced-looks brand new!
- Mike Lewitt of Newton Tennis provides tennis lessons for the City under contract. These lessons have been very popular. Mr. Lewitt has also started a City Wide tennis tournament.



Fran L. Towle
Commissioner

- The Programs & Services Committee of the Board Of Alderman has requested the Parks & Recreation Commission revisit a Swim At Your Own Risk policy at Crystal Lake. (Please review the letter from Alderman Johnson enclosed in your packets). Chairman Rice stated the agenda in October is full; we will review this policy during the November 2009 Commission meeting.
- The easement pathway to Levingston Cove at Crystal Lake has been completed by the Department of Public Works. Mr. Magni asked how the path is accessed. Commissioner Towle responded there is one entrance by Crystal Lake, and then you walk to the end of the pathway and turn back. The pathway will need more work to flow with the master plan.
- The Department had a great summer and the Staff was superb.

3. Off Leash Dog Parks

- Chairman Rice introduced Chairman Koel of the Dog Off Leash Advisory Committee (DOLAC).
- Chairman Koel submitted two new off leash dog park applications:
 1. Hunnewell Park
 2. Newton Center
- Chairman Koel wanted to be clear: Submitting applications does not mean the off leash dog parks are open. There is a process that must be followed before the parks are officially opened.
- Chairman Rice stated these new applications will be on the agenda for the October Meeting and abutters to Hunnewell and Newton Centre will receive notification of the meeting.
- Chairman Koel reported on September 16 there was a meeting with the Nahanton Park Community, the off leash dog park applicant group, the Conservators, members of the Jewish Community Center (JCC) and Deputy Commissioner DeRubeis. There was amicable discussion on the concerns of the harm an off leash dog park could do to the Nahanton Meadow. The Community offered other site suggestions around the park. DOLAC has decided to temporarily withdraw the application for the Nahanton Meadow due to the possible harm to the habitat and wildlife in the area. Scientific data will be collected and the Commission will be informed.
- Chairman Koel reported on September 10 there was a meeting with the Braceland off leash dog park applicant group, Braceland Park abutters, Alderman Albright, and Commission Member Jack Neville. The concerns discussed at the meeting were parking issues, children sledding in the area, fencing, sharing the park and the impact on the Master Plan. All agree it is too early to take a vote and DOLAC is requesting more time to work through the issues.
- Chairman Rice asked if any of the Commission members had any comments. Mr. Neville stated he attended the meeting and some abutters are favorable about the off leash dog park but most are not in favor of the park. Some concerns are the safety of children, non residents coming to the park, parking issues, and people who do not have control of their dogs. Another concern of Mr. Neville and the community is the Master Plan that began in 2007. Braceland is number one for repairs and he does not want this jeopardized. If he had to vote for the off leash dog park tonight he would vote against the dog park.
- Chairman Koel commented that Mr. Neville gave a good summary of the meeting for Braceland Park. There will be another meeting with the community to work out the issues. Chairman Koel believes the issues are solvable.

- Mr. Stock interrupted and asked how the rules will be enforced. For the year that Cold Spring Dog Park has been open there has been little enforcement. There is a small staff, how will the rules be enforced. Chairman Koel responded that she trusts the Police Officers and if there are issues they will work together to work out the issues.
- Chairman Rice asked Police Officers O’Connell and Torres for their observations and comments on the Cold Spring Off-Leash Dog Park. Officer O’Connell reported
 - He and Officer Torres have patrolled the dog park for 30 minutes each shift since it opened in March.
 (Mr. Stock interrupted to say the dog park has been opened since November. Officer O’Connell corrected Mr. Stock stating it is a matter of public record that the dog park has been open since March 2009.)
- Officer O’Connell continued his report:
 - Twenty Nine citations have been issued
 - The Officers walk the trails and patrol all the entrances including Beverly and Duncklee Road
 - There has been a decrease of off leash dogs at 1200 Beacon Street and on the trails
 - Officer O’Connell has patrolled seven times at 6:00 am in plain clothes
- Chairman Rice asked for comments from the meeting attendees:
 - A Cold Spring Park (CSP) off-leash dog park supporter stated the off leash dog park users “police” each other. If the users see a dog off leash the dog owner is asked to put the dog on the leash. The off leash dog park users want this experiment to work. The park is kept clean and the rules are followed. When CSP was an illegal off-leash dog park the rules were not followed.
 - A Friend of Cold Spring Park commented that since CSP has become a legal off-leash park it has given the citizens the clout to police the park. The citizens are able to explain the rules to dog owners and most owners with an off leash dog will apologize and put their dog back on leash. The Police cannot be called to every area in the City they are needed at all times. Citizens need to police themselves. At night if a person drives up to a stop sign and the Police are not around, most people usually stop because it is the law and for the safety of others. People are free and not in cages because we have a conscious and the majority of people follow the rules.
 - A resident of Newton Corner commented when CSP Off leash Dog Park opened she drove down with her three dogs. She did feel the pain of the abutters; there were lots of people, media and Police in the area. She also stated she does not want to drive all the way to Cold Spring Park to take her dogs to an off-leash dog park; there should be other off leash dog parks in the City. We should work with the Commission to find other areas that are available, keeping safety in mind. Then everyone would be happy.
- Chairman Rice asked Commissioner Towle for her comments on the issue. Commissioner Towle commented there are clearly lots of concerns for and against the off –leash dog parks. By the show of support tonight, there is a need for the off-leash dog parks in Newton. There is the issue of finding available open space. Open Space is at a premium. There will be stakeholders at any location that is chosen. It is difficult to keep everyone happy. We will all need to listen and compromises will need to be made.
- Chairman Koel commented that DOLAC is collecting data at Cold Spring Park. There certainly have been bumps along the road and a reasonable conversation will

help to smooth out the bumps. Mr. Stock interrupted Chairman Koel and asked why he should believe her data. Chairman Koel stated that is not her job, she trusts the job being done by the committee.

- Chairman Rice asked Officer O’Connell if the issues at the Cold Spring Off leash dog park has improved. Officer O’Connell commented:
 - There has been improvement since March.
 - There are less off-leash dogs at 1200 Beacon Street and on the trails.
 - In November and December 2008 Officer O’Connell would patrol the trails between 11:00am -1:00 pm for 30 minutes per shift and he would see 6-7 off leash dogs on the trail. Now it is very rare to see an off-leash dog on the trails.
- Eve Cohen of Beverly Rd is offended the neighborhood was not included on the DOLAC committee. Nobody on the committee lives in the neighborhood, they are not listening. She does not want to complain but the neighbors cannot park in front of their houses.
- A DOLAC committee member stated the committee is listening. There is a need for off-leash dog parks the key is finding a win-win location. Enforcement will never be adequate. The goal of all is to find a location where enforcement is not an issue. Confrontation in the community should not be happening.
- Ken Porter inquired if any other communities with dog parks were contacted when research was being done for off-leash dog parks.
- Chairman Koel replied when DOALC was appointed the Task Force contacted Boston, Brookline and other areas, but each City and area has its own constraints. Newton Citizen’s came forward to recommend areas for dog parks. The difficulty is with a volunteer group doing the work.
- Alderman Danberg commented she is here to listen to both sides of the off-leash dog park issues. There is a possibility of a 2nd dog park in Newton. Many people are working towards resolving the issues. Alderman Danberg would like to see many dog parks in Newton, not just one in one neighborhood. She would like to see 8 dog parks, one in each ward. Alderman Danberg does not believe Cold Spring Dog park can just be shut down and people will go back to their previous behavior. Alderman Danberg spoke with Brookline and enforcement was not a real issue. Citizenry helps in this situation, we can all work together to make this work.
- Joan Rosenberg has worked with her community to build a new school, and the “not in my neighborhood” mentality exists everywhere. But Ms. Rosenberg agrees with Alderman Danberg, we need to work together to make this work.
- Mr. Kastner commented there needs to be a clear delineation of responsibilities of the Board of Alderman and the P & R Commission.
- Chairman Rice concluded the Off-Leash Dog Park discussion. Cold Spring Park along with the two new dog park applications (Hunnewell and Newton Center) will be added to the October Commission Agenda.

4. Crystal Lake Task Force – Janice Bourque, Chairman

- Commissioner Towle Commented the Crystal Lake Task Force has spent a lot of time and have done a great job preparing a plan to submit to the Mayor. And they have been a joy to work with on this project.
- Mr. Magni asked how they were appointed to the Task Force. Janice Bourque responded they were appointed by the Mayor.

- Chairman Bourque stated the Task Force has worked with the Crystal Lake Community to come up with the best plan. The plan will be submitted to the Mayor, the Mayor will submit the plan to the Board of Alderman.
- Mr. Kastner asked if the question of funding was considered with the plan. Chairman Bourque responded yes.
- Chairman Bourque reviewed the process of how the final plan was decided upon. Since the last presentation to the Commission, the issues of parking area being user friendly and the drop off location for buses was revisited and changed in this final plan. The Task Force and the Community have decided on the following requirements for this plan:
 - A new building
 - A building with a programming layout
 - Building efficiency
 - Keep existing trees, if not possible, new trees will be planted
 - Buses will drop off children at the top of the parking lot.
 - Year round use, currently only seasonal use allowed.
- Chairman Rice asked what the estimated cost is for the current plan to be submitted to the Mayor. Chairman Bourque responded the cost is 4.6 million dollars.
- Mr. Kastner asked if there is a storage area. Chairman Bourque responded yes in the lower level of the building. Mr. Kastner asked how much of the green area is lost to parking with this new plan. Chairman Bourque responded about 10 feet of green is lost. Mr. Kastner asked if a snack shack was considered. Chairman Bourque responded yes, but it was preferred to have people bring their own lunch to the park.

Mr. Magni made a motion to approve the concept of the Crystal Lake Master Plan. Mr. Mottard seconded the motion. Motion passed 7-0.

5. New Business – No new business

Meeting adjourned at 8:31 pm.

Respectfully submitted:

Robin McLaughlin, Secretary



David B. Cohen
Mayor

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, War Memorial

October 19, 2009



Fran L. Towle
Commissioner

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice Chairman*, Arthur Magni, Kathleen Heitman, Jack Neville, *Alternate*, Peter Kastner, *Alternate*, Michael Clarke, *Alternate*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Absent: Fran Towle, *Commissioner*, Peter Johnson

Also Attending: Officer O'Connell & Officer Torres, *Newton Police Dog Officers*, Amy Koel, *Chairman, Dog Off-Leash Advisory Committee (DOLAC)*, Carol Stapleton, *Recreation Manager*.

Commission Meeting called to order at 7:01 pm.

1. Meeting Minutes from the 09-21-09 Commission Meeting accepted 6-0.

2. Commissioner's Reports on Programs, Forestry and Maintenance- Deputy Commissioner DeRubeis.

- The Harvest Fair was held on October 3 & October 4th on the Newton Center Green. Linda Plaut & Judy Anderson did a great job, despite the inclement weather.
- The Cultural Center celebrated their 5th year anniversary this past week-end.
- Paddy's Road race was held on Sunday October 18th. There were over 1,000 runners. Mark Kelly, the Special Needs Director and the volunteers did a terrific job.
- Maintenance Report
 - Grass mowing contracts are coming to an end.
 - Fencing repairs continue.
 - Irrigation systems have been winterized
 - Fall playground repairs are almost complete. Playground repairs are done twice a year, once in the Spring and once in the Fall.
 - Gath Pool & Crystal Lake have been winterized
 - Aeration and soil work on the ball fields continues.
 - NSHS Synthetic Football field is being used. Two varsity football games and Pop Warner games. Last weekend when it rained the field remained open and the game was not cancelled, everyone was happy.
- The P & R Department Scholarship program reports there were 73 applicants seeking scholarships, 71 applicants accepted the scholarships. \$27,945.00 in scholarships was approved.
- Upcoming Programs
 - November 11 – a trip for students to Coco Keyes Indoor Swim Park in Fitchburg
 - Ice Skating lessons
 - Volleyball program
 - Tom Cahill is preparing for the NNHS Indoor Recreation program

Chairman Rice asked the Commission members if they had any questions for Deputy Commissioner DeRubeis. There were no questions.

3. Off Leash Dog Parks

- Chairman Rice stated there would be no vote on any of the Off-Leash Dog Park Proposals tonight. The Mayors State of the City address is at 7:45 pm and the Commission Meeting must be concluded by that time. Each proposal will have representatives speak, from each viewpoint, for three minutes each.
- Chairman Rice introduced Chairman Koel of the Dog Off-Leash Advisory Committee (DOLAC). Chairman Koel gave an update on each of the dog park proposals:
 - *Nahanton Park Meadow* Proposal is off the table as an option. A small strip of land by the parking area is being discussed.
 - *Braceland Park* Proposal has been revised and is posted on the website <http://www.ci.newton.ma.us/Parks/RecCommission/agendas.html>. There is a Braceland Community meeting on November 9, 2009. Chairman Koel asked for e-mail information of anyone that should be or would like to be notified of the meeting. Chairman Koel asked for assistance from the Community Leaders in collecting e-mail information.
 - *Hunnewell Park* Proposal will not be going forward as written, the proposal will be revised. There was a Community meeting on October 15. Some concerns were traffic issues, and children in the park. The applicant group is looking at a fenced in area by the New Balance building.
 - *Newton Centre Park* Proposal. There was a community meeting on October 14. No revisions to the proposal are necessary. Tonight the applicant group was looking for a vote.
 - *Cold Spring Park* continues to go well, there is nothing new to report.
- Chairman Koel wanted to address the numerous e-mails she has received regarding dog feces. Responsible owners do the right thing and clean up after there dogs. Chairman Koel was out walking her dog around Newton and saw eight piles of dog feces. Some people do not clean up after there dogs no matter where they are.
- Chairman Rice asked if there were any questions for Chairman Koel. There were no questions.
- Chairman Rice asked for comments on the Newton Centre Park proposal.
- Daniel Jackson an abutter of Newton Centre has the following concerns but is looking for an amicable solution for his dog owning neighbors:
 - The idea is not flawed but control is an important issue.
 - Parking in the area would become an issue if more people travel to the area to use the park.
 - The park is near the Mason Rice Elementary School and he is concerned for the children's safety.
 - Increased dog feces in the park.
 - This morning eight dogs were in the park off leash with their owners.
- Claudia Morris the applicant for Newton Center Off leash Dog Park stated a small group of neighbors have been using the park with their dogs for 15 years. They have been assisting with keeping the park clean. They have shared the area successfully. The dogs are kept off the play fields and if there are any issues the neighbors take their dogs' home. The area for the dog park is an isolated area from Mason Rice School. One side of the area has a chain link fence and is surrounded by shrubs and the other side is bordered by the aqueduct and shrubs. For many years they have been the only

ones in the park for the hours they are asking for. The applicants want to limit the hours of the dog park as well as the number of dogs allowed (20 dogs) in the park at one time. With legal hours & rules for the dog park the park users will have some authority when approaching dog owners using the park

- Mr. Bernheimer asked Ms. Morris to confirm that she has been breaking the law for the past fifteen years by bringing her dog to the park and allowing the dog to be off leash at the park. Ms. Morris confirmed she has. Ms. Morris has been working with the City for 10 years to make this work. Mr. Bernheimer stated the present system is not working. Members of the audience raised their hands and spoke out that they also have been breaking the law. Ms. Morris stated there is clearly a need for dog parks.
- Mr. Jackson stated he is concerned that a designated off-leash dog park will transform the park into becoming something else. There is no mechanism to prevent the transformation.
- Mr. Bernheimer commented that if the City approves additional off-leash dog parks, dog owners will still use unapproved areas for off leash dog activities. We need more commitment from the City to enforce the law.
- A resident spoke to address the issue of the Police not enforcing the law. She was at Cold Spring Park in the morning then again in the afternoon and the Dog Officers were at the park on both occasions.
- Chairman Rice requested Chairman Koel have another Newton Center Community Meeting.
- Chairman Koel emphasized that all of the meetings are Public Meetings. Things do not happen behind closed doors. The Public is welcome to all of the meetings. You will be notified if the Committee has your contact information.
- Chairman Rice asked if there were any questions for the Police Officers.
 - How many dog officers are there for Newton?
 - There are two dog officers in Newton
 - What are the hours the Officers work?
 - Officer O'Connell works 7:30am-3:30pm. Officer Torres works two nights 3:00pm-11:00pm and three days 7:30am-3:30pm.
 - The issues discussed regarding Cold Spring Park are people coming from other communities to use the park and people walking their dogs off leash on the trails. Of the people given tickets on the trail off-leash are they neighbors of the park or people from outside the community?
 - Officer O'Connell replied he has not looked at the data, but recently the people given tickets have lived fairly close the park. Officer O'Connell is not sure of the actual numbers.
 - A resident commented that alcohol consumption and women voting were illegal at one time. Those laws were changed. Do not break the law, change the law.
 - Do the same people call to complain about the dog park? Could people be concerned about walking on the path, which is isolated?
 - Officer Torres stated it has been pretty quiet in regards to complaints. When there are complaints from Duncklee Road the officers address the issues as soon as possible.
 - Officer O'Connell stated he receives more e-mail complaints than phone complaints. Officer O'Connell commented the park is closed after dusk and is a safe park, people should not be concerned.
 - What is the Officers policy about posting comments on Twitter?
 - Officer O'Connell stated he does not use Twitter.

- A resident reported someone has been putting fliers on cars, trees and all around Cold Spring Park. These fliers appear to be from the Police Dept, what is the appropriate action for park users to take regarding these fliers?
 - Officer O’Connell commented the issue was someone other than the Police making copies of fliers the Police Dept had previously posted in the Spring. The Police did not put the recent fliers you are referring to. The issue has been resolved. If you see fliers from the Police Department it is best to call the Police Department and confirm they posted the flier before residents remove the fliers.
- Chairman Rice thanked Officer O’Connell & Officer Torres. Chairman Rice asked Mr. Stock if he had any questions. Mr. Stock had no comments.
- Ms. Anne Li of 53 Beverly Rd commented before the pilot program Cold Spring Park was a nice neighborhood park. The pilot program has changed the Park and Ms. Li is concerned about that. Ms. Li has done some research on off-leash dog parks and has contacted Brookline, Cambridge, and Somerville. Ms. Li stated these towns have a better process for establishing dog parks. Their process includes a detailed ordinance and the citizens must take ownership.
- Chairman Koel commented the Advisory Committee agrees with Ms. Li. DOLAC has just submitted a memo to the Board of Alderman Programs & Services Committee to revise the current ordinance.
- A resident commented we are way past the issues of the Dog Park we need to establish new dog parks. There is clearly a need for the dog parks.
- Chairman Koel agreed with this resident that new dog parks do need to be established.
- Mr. Stock commented the research done in Brookline, Somerville and Cambridge shows other Towns are proactive in establishing dog parks, in Newton there is no leadership at the top which causes neighbors to be pitted against each other. The ordinance is the problem, the ordinance needs to change.
- Another Braceland Park abutter commented the City should revisit the ordinance and then revisit the applications for the dog parks.
- Diane Cotting the Hunnewell Park applicant explained the location of the proposed Hunnewell Dog Park. She explained dog owners have been using this park for years. Ms Cotting completed a two month survey, there were up to 20 dogs with 6 people at a time in Hunnewell Park. Little League has offered to improve the park benches. Little league uses the park for six weeks then they are done for the year.
- Ms. Cotting commented there was a Community meeting on October 15. Some of the issues discussed were people entering at the gate, and people looking down side streets for places to park. Another issue was the amount of dog feces that would be in the park. Ms. Cotting stated the dog owners clean the park and also leave extra supplies for other dog owners who may not have bags to clean up after their dogs. The suggestion was made to fence in an area of the park. This area is to be determined.
- A resident stated the proposal is based on having the ability to park at the New Balance building. Is this legal? Chairman Koel confirmed the Committee has received written approval from the owners of the New Balance building to park in their lot.

4. New Business – No new business

Meeting adjourned at 7:44pm

Respectfully submitted:

Robin McLaughlin, Secretary



David B. Cohen
Mayor

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

November 16, 2009



Fran L. Towle
Commissioner

Attending: Walter Bernheimer, *Vice Chairman*, Arthur Magni, Kathleen Heitman, Jack Neville, *Alternate*, Peter Kastner, *Alternate*, Michael Clarke, *Alternate*, Fran Towle, *Commissioner*, Robin McLaughlin, *Secretary*

Absent: Fran Rice, *Chairman*

Also Attending: Bob DeRubeis, *Deputy Commissioner*, Amy Koel, *Chairman, Dog Off-Leash Advisory Committee (DOLAC)*, Carol Stapleton, *Recreation Manager*, Tom Cahill, *Aquatics Manager*.

Commission Meeting called to order at 7:00 pm.

1. Meeting Minutes from the 10-19-09 Commission Meeting accepted 6-0.

2. Commissioner's Reports on Programs, Forestry and Maintenance

- Completing turf work throughout the City.
- NSHS turf looks great if you have an opportunity you should go over and take a look.
- The department is in the process of signing snow contracts.
- Nov 11 there was a trip to CoCo Keyes Water Park for school aged children.
- We are currently accepting registration for the December vacation camps.
- NNHS Indoor Recreation Programs began this week under Manager, Tom Cahill. The program is paid for by the program fees.

3. Crystal Lake - Swim At Your Own Risk

- Commissioner Towle stated Alderman Johnson and the Programs & Services Committee requested the Commission reconsider a Swim at Your Own Risk (SYOR) policy for Crystal Lake.
- Mr. Bernheimer stated he is still opposed to a SYOR policy at Crystal Lake.
- Ms. Stapleton presented a proposal from the Crystal Lake Conservancy. The proposal recommends a study be done on the condition of the water at Crystal Lake. The cost of the study would be ~ \$16,000.00. Ms. Stapleton recommends working with the conservancy on this proposal. Ms. Stapleton will update the Commission at the next Commission meeting.
- Mr. Magni asked Ms. Stapleton if the lake is swimmable without the aqualator on. Ms. Stapleton replied the aqualator is only on for three month and only circulates the water in the swim area. Mr. Magni commented swimming without the aqualator would cause a build up of bacteria and it would be negligent on our part to allow swimming.
- Mr. Clarke inquired if this equipment was an aqualator or an aerator. Ms. Stapleton responded it is an aqualator. And the aqualator circulates the water.

- Mr. Neville commented Aquatic Manager Tom Cahill submitted a report on SYOR. The report does not recommend a SYOR Policy.
- Commissioner Towle reiterated safety is the first priority. There is a safety issue by allowing SYOR. There is also a liability issue with SYOR to the City. Commissioner Towle asked Aquatics Manager Tom Cahill for his recommendation. Mr. Cahill responded he has been involved with the Red Cross for 40 years and he does not recommend a SYOR at Crystal Lake.
- Mr. Kastner stated the City of Newton has a history of being safety conscious. The SYOR policy is not a safe policy.
- Mr. Johnson stated it appears none of the Commission member's views has changed since the vote in June.

Ms. Heitman made a motion to continue with the current policy and not allow a Swim at Your Own Risk Policy at Crystal Lake. A reply is to be sent to Alderman Johnson and the Programs & Services Committee to notify them of the Commission's decision. Mr. Magni seconded the motion. The motion passed 6-0.

4. Crystal Lake & Gath Pool Statistics

- Commissioner Towle reported the economy and the weather had an impact on the swim season at Crystal Lake and Gath Pool.
- Mr. Cahill reported the weather was a "killer" in June. Both Crystal Lake and Gath Pool were each down \$20k for the season.
- Ms. Stapleton commented the lake or pool did not close down during the bad weather. Swim lessons were held indoors.
- Mr. Bernheimer stated the Commission needs to think about raising the fees.
- Ms. Stapleton commented there were a lot of conversations, at the beginning of the swim season, with the seniors regarding the new \$20.00 senior pass fee. Eventually things settled down. There were many scholarships given to families and seniors.
- Mr. Bernheimer commented it is a good policy charging the seniors the same swim fees as the students.
- Ms. Stapleton commented there were more day passes sold this year than in previous years.
- Commissioner Towle stated this past June, the department advertised to hire additional lifeguards to extend the swim season at Crystal Lake. Most lifeguards are young kids going off to college and they leave for college in August. Next year Mr. Cahill and Ms. Stapleton will advertise for lifeguards earlier and make every effort to recruit and retain lifeguards for an extended season at Crystal Lake. The Commission will be updated in the Spring.
- Mr. Bernheimer suggested adding this information in the reply to Alderman Johnson and the Programs & Services Committee.

5. Off Leash Dog Parks

- Mr. Bernheimer introduced Chairman Koel of the Dog off Leash Advisory Committee (DOLAC). Mr. Bernheimer stated that Chairman Koel would give a report on each of the proposed dog parks.
- Chairman Koel reported:
 - Hunnewell/Grassmere Park- There was a community meeting and a second community meeting will be scheduled. There will be a revised proposal posted that includes fencing in the area near the New Balance building and there will be access

- through the New Balance parking lot. Another revision to the proposal is when sports events are taking place at the play fields the dog park will be closed.
- Newton Center- On October 12 there was a community meeting. The meeting was very congenial. This is a small area with very special needs. DOLAC and the applicant group are requesting the Commission not vote on this location until a couple of other dog parks are opened.
 - Braceland –There was a second Community meeting on November 9th. A revised proposal has been posted to the City’s website. The revision includes a fenced in area at the far hill. The fenced in area will not interfere with the sledding area.
 - Nahanton Park – The applicant group is focusing on the small grassy area near parking lot. Due to small size of the area the group is discussing a weight limit on dogs allowed in the area. The area would be restricted to small dogs and puppies.
 - Roy Kisleo of 65 Grassmere asked if the Grassmere proposal was discussed. Chairman Koel stated Hunnewell Park is also known as Grassmere. Mr. Kisleo asked what the official name is for this park. Commissioner Towle responded the official name of this park is Hunnewell Park.
 - Mr. Neville commented the Braceland meeting was a congenial meeting. The Village of Upper Falls is not crazy about the idea of a dog park. The first priority should be the \$50,000 Master Plan that was done for Braceland Park. Braceland Park is #1 to be refurbished and there are no dog parks included in the Master Plan.
 - Mr. Johnson stated he was at a function with an abutter to Braceland Park and the abutters concern is with the Master Plan – not the Dog Park. The abutter wanted to know how the dog park would fit in with the Master Plan.
 - Mr. Bernheimer commented the dog park should be integrated with the Master Plan.
 - Mr. Magni requested to read a statement regarding Cold Spring Dog Park. Mr. Bernheimer requested this statement be added to the meeting minutes. (*See Attachment A*).
 - Mr. Clarke asked for clarification on the Board Action regarding the off leash dog park ordinance. Mr. Bernheimer read the Board Action. The Ordinance is extended through June 30, 2010.
 - Mr. Clarke asked what the implication is of this Board Action. Mr. Bernheimer stated in his opinion we have a lot of options. First we could open other dog parks through June 2010. We could close Cold Spring Dog Park. We have a lot of options.
 - Mr. Clarke asked if we still had the “sunset” on Cold Spring. Mr. Bernheimer responded yes.
 - Mr. Bernheimer commented the question is what we do about dog parks. The Board of Alderman has not done us any favors by extending the current ordinance. The problem is the process envisioned is fundamentally flawed. Should the dog parks be the City’s responsibility? Mr. Clarke stated the P & R Commission is responsible for the parks. Mr. Bernheimer stated it should be the Commission’s responsibility with the proper funding. We need to determine what the correct process is for Newton.
 - Mr. Clarke suggested we let Cold Spring Park expire and not move forward on any dog parks until we get the process right.
 - Mr. Kastner commented the Commission should require someone in the community work with the staff. A RFI (Request for Information) should be put out to people interested.
 - Chairman Koel commented, DOLAC agrees that we need a new process and the City seems to be willing to take it on. The ordinance was extended in part to allow

- Mayor Elect Warren and his team to get on board and assist in rewriting the ordinance.
- Alderman Swiston stated she did not vote to extend the ordinance. But, the ordinance is in place and in six months hopefully we will have the language in place to make the ordinance work.
 - Mr. Bernheimer commented what we have learned is the program will not work the way it is now. Maybe Commissioner Towle can submit a proposal on how we would like to proceed going forward.
 - Mr. Clarke commented he does not believe we can put this on the Parks & Recreation Department. The Parks & Recreation Department is under manned and under funded.
 - Mr. Kastner stated the complication arises when elected bodies do not want to upset their neighbors. The elected official is subject to public will.
 - Mr. Bernheimer stated we need to define what a dog park will be.
 - Mr. Clarke commented a committee should be established, including two Commission members, two Parks & Recreation Department members, one DOLAC member, one Cold Spring Park abutter, one member from the Board of Alderman, and one member from the Planning Department.
 - Lee McIntyre, Friends of Cold Spring Dog Park commented the Mayor Elect may want to weigh in on the dog parks. Mr. McIntyre has spoken with the Mayor Elect Warren who is in favor of dog parks and of keeping Cold Spring Dog Park open. Mr. McIntyre suggested the Commission should not rush into something without the Mayor Elect being consulted.
 - Mr. Bernheimer commented Mr. McIntyre's suggestion is a prudent one.
 - Alderman Yates commented there has been an orgy of finger pointing regarding the dog parks. It is very frustrating for everyone dragged in to the issue. The Committee needs to look out side the box for other sites that may be available that are not necessarily owned by the City. The time extended on the ordinance must be used to make suggestions to fix the current issues & make changes to the ordinance. Funding sources will need to be reviewed. Alderman Yates agrees that a critical mass of dog parks will lessen the impact on one dog park location. Alderman Yates requested the Committee come up with a solution as soon as possible, a solution that does not include money.
 - Chairman Koel commented the Parks & Recreation Department cannot do it all. The Planning Department has offered assistance.
 - Patty Adair of 5 Fuller Street agrees with Alderman Yates regarding researching other locations. Ms. Adair also agrees with Mr. Magni, that multi purpose parks should not be used as dog parks. Braceland is a multi use park. If Cold Spring Park is not working the dog park should not be given an extra day waiting for the new Mayor. Ms. Adair also commented the Advisory Committee consists of people in favor of dog parks.
 - Anne Li of 53 Beverley Road is concerned about the process. She commented people at the Newton Centre Community meeting were told that the Cold Spring Dog Park trial was going well.
 - Mr. McIntyre stated that is not true. There was an e-mail from Bob Stock regarding the Newton Centre meeting. Mr. McIntyre spoke with Mr. Stock and Mr. Stock realized he was misinformed.
 - Ann Dorfman of 9 Henshaw Street stated she has been working with the DCR (Department of Conservation & Recreation) on a process to establish off leash dog parks through out the State. The current process in Newton is not working. There is the opportunity now to start over with a clean slate. Ms. Dorfman suggested starting

a new team including the Parks & Recreation Department, Planning Department, Police, dog owners, etc.

- Mr. Bernheimer suggested Ms. Dorfman develop the specifications for the new team.
- Ms. Dorfman commented she has already created an outline and will send the outline via e-mail. Ms. Dorfman also recommended having a survey conducted regarding the off leash dog parks.
- Kathy Gimby of 45 Gordon Road commented she is a responsible dog owner and suggested having an AKC official work with the team and teach them how to license dogs to use the dog parks properly.
- June Goodman commented the Committee needs to look for other areas in the City. Cold Spring Park is only one place and additional parks will bring less pressure to Cold Spring Park.
- Mr. Neville commented we need to do this the right way.
- Mr. Bernheimer stated we will need to have a meeting with the Mayor Elect and then concluded the discussion.

6. Committee Appointments

- Vice-Chairman Bernheimer stated his position on the Community Preservation Committee is up for renewal. This would be the last term he is eligible for this position due to the term limit. He would like to serve this last term.

Mr. Johnson made a motion to nominate Vice-Chairman Bernheimer to the Community Preservation Committee. Mr. Clarke seconded the motion. Motion passed 6-0.

- Vice-Chairman Bernheimer stated there is a position open on the Farm Commission due to the resignation of Lee Mottard from the Recreation Commission. Mr. Kastner commented he would be interested in serving on the Farm Commission.

Mr. Clarke made a motion to nominate Mr. Kastner to the Farm Commission. Ms. Heitman seconded the motion. Motion passed 6-0.

7. Skating Rules & Regulations

- Commissioner Towle submitted the 2009-2010 ice skating rules & regulations for approval. Commissioner Towle stated that safety is the first priority. Dave Mandatori, Superintendent of Maintenance checks the thickness of the ice each day to determine if the ice is safe to skate on.
- The following standards are used in determining sufficient ice thickness for safe skating:

Auburndale – Ware’s Cove	6” Black Ice, 9” Snow Ice
Newtonville – Bullough’s Pond	6” Black Ice, 9” Snow Ice
Newton Centre – Crystal Lake	6” Black Ice, 9” Snow Ice
- The Skating Rules and Regulations have not changed in the last five years.

Mr. Johnson made a motion to approve the 2009-2010 Ice-Skating Rules and Regulations. Mr. Magni seconded the motion. The motion passed 6-0.

8. Cell Tower –Update- Maurya Sullivan, Planning Dept.

- Ms. Sullivan commented they have passed the ground process and are moving forward to install cell towers on city property. Ms. Sullivan reviewed the process going forward:
 - Conceptual Approval by P & R Commission
 - Neighborhood Meeting
 - P & R Commission Public Meeting
 - P & R Approval
 - [Approval Board of Alderman-Public Facilities]
 - Issuance of RFP (Request for Proposal) by Mayor
 - Bids reviewed by RFP Committee
 - [Legislative Approval – Article 97]
 - Issuance of License to carriers(s)
 - Zoning Approval Process
 - Construction/Improvements
- The first site to be considered is Halloran Field. Each carrier would have a light pole with three antennas inside. The equipment would have to be located in the park. The carriers would provide two lighting systems. Ms. Sullivan is looking for approval from the Commission to pursue the conceptual development of cell towers at Halloran Field.
- Mr. Clarke inquired why the Halloran Field is being considered first. Ms. Sullivan responded, currently there are light poles in the park so the aesthetics would not look different when new poles are installed.
- Mr. Bernheimer inquired if there are carriers interested. Ms. Sullivan responded yes, at least three carriers are interested in Halloran Field and there are carriers also interested in Edmonds Park, and Cold Spring Park.
- Mr. Bernheimer inquired what the fee would be to the carriers. Ms. Sullivan stated the fee is \$35k/year per location per carrier with a 10 year lease. Ms. Sullivan commented the RFP could be structured in a way the City could receive lighting systems, etc instead of cash.
- Mr. Clarke inquired if the carriers are seriously considering all three parks mentioned. Ms. Sullivan stated yes but tonight we are only discussing Halloran Field because of the design and how it will fit in with the existing structures.
- Mr. Kastner inquired if the carriers have looked into private sites. Ms. Sullivan commented the carriers have exhausted all private options. Newton has refused since 1992 to put antennas in Newton.
- Mr. Kastner asked if a balloon test would be done for the neighbors. Ms. Sullivan stated the current light poles are 80 feet high; the new poles would be the same height. There would be no need for a test.
- Mr. Clarke asked if the carriers could use the existing poles. Ms. Sullivan said no, the existing lighting equipment is outdated.
- Mr. Kastner inquired about the safety of children playing under the antennas. Ms. Sullivan stated the safety of abutters was there top concern and will be the topic of the neighborhood meeting. The antennas are safe. The radio frequency varies by carrier form 900 MHz – 2,000 MHz. The Needham Towers radiate the highest amount of frequency in the nation.

Mr. Kastner made a motion to approve the conceptual development of the cell towers at Halloran Field. Mr. Johnson seconded the motion. The motion passed 6-0.

9. New Business

- Clock at Coletti-Magni Park – Alderman Lennon & Mr. Anthony Pellegrini representing the Nonantum Community.
 - Commissioner Towle stated the clock at Coletti-Magni Park is being updated. The side of the clock currently reads “The Lake” Mr. Pellegrini is requesting the clock be updated to read “The Lake” and include a logo.
 - Mr. Pelligrini reviewed the history of the clock at Coletti-Magni Park. The clock was damaged by a contractor. The original clock maker is repairing and refurbishing the clock. The clock has been painted black and the neighborhood would like the logo added to the side of the clock. You do not have to be Italian to wear the logo. The logo has represented “The Lake” since 1976.
- Mr. Bernheimer asked if anyone had any objections. There were no objections.

Mr. Clarke made a motion to allow the logo, as presented, to be added to the clock in Coletti-Magni Park. Ms. Heitman seconded the motion. The motion passed 6-0.

Meeting adjourned at 8:55pm

Respectfully submitted:

Robin McLaughlin, Secretary

ATTACHMENT A

Statement read by Commission Member Arthur Magni at November 16, 2009 meeting.

Our last meeting was cut short due to Mayor Cohen's farewell speech, and I don't think the dog park at Cold Springs was adequately discussed. So I wanted to take a moment to raise a few points this meeting. The petition asking that Cold Springs be made permanent needs to be addressed, as does the mindset that we should just "move on" and get past the issues at the park.

Cold Springs can't become a success by simply stating it so. If it were a success, there wouldn't be calls for revisions to the off-leash ordinance, from both supporters and opponents alike. Further, if it were a success, none of our meetings would be as contentious as they are, nor would so many letters and emails have been written pro and con. Simply put, we wouldn't be in the place we are now.

The notion that a dog park should generate this level of acrimony, this level of scrutiny, of ill-will between neighbors, of dueling perspectives, of such intense patrolling by the police is crazy. No dog park should be this controversial.

This is not to say that we should abandon the idea of dog parks. Far from it. As I've said, it's quite plain there is a need for legal, sanctioned off-leash areas, but not modeled on the current experiment.

Compliance with parking and the leashing of dogs on the trail at Cold Springs is up, but not comprehensive. So yes, the trajectory is positive, but there are still unresolved issues and even the positive trends could reverse.

On the reversing of positive trends, the biggest factor is police enforcement. Once other off-leash parks are open, the police deterrent will significantly fade from Cold Springs, as the officers have to spread their focus thin among other approved dog parks, as well as non-dog parks around the City where off-leash activity occurs regularly.

As for unresolved complaints at Cold Springs, some of the supporters of the off-leash area have tried to undermine complaints by suggesting first, that the number of complainers is small and that the complaints themselves are inconsistent, and therefore less credible. The picture painted is that of a cabal of hardened, NIMBY-minded neighbors desperate to use any argument that will trigger a shuttering of the park.

First, vocal neighbors are not the only neighbors opposed to the off-leash area. There are other, more quiet voices that have expressed dismay at how the area has become effectively a dog zone, and they are turned off by the toxic atmosphere around this issue, the pitting of neighbor vs. neighbor. They are keeping to themselves, unwilling to enter the fray. Second, instead of seeing varied complaints as grasping at straws by opponents, one could view them as showcasing an area riddled with problems.

More importantly, neighbors are not the only ones complaining. A Newton North cross-country coach, who was bit by a dog after a meet, relayed to me that the team avoids Cold Springs altogether, except for meets, when they must confer with the off-leash proponents. And a Newton South coach told me "the dogs are an issue when we are there. I can confirm that."

This situation is anathema to me on many levels. Cold Springs is a cross-country runner's paradise. I captained Newton North cross-country my senior year and relished the opportunity to train and race there.

I think it's wrong that athletes, whether from the high schools, or adults training on their own, can't utilize the wonderful trails at Cold Springs spontaneously and without the fear of interruption or worse, from off-leash dogs. The same goes for walkers or anyone else who visits the forest area to escape noise and distractions. Communing with nature should not involve encountering a dog off-leash.

People who visit Cold Springs should not have to worry about even *the possibility* of encountering an off-leash dog, or stepping in dog feces. Dog bites might be the worst risk of an off-leash area, but the threat of a bite is almost as bad, particularly when someone already has a fear of dogs. Joggers, walkers and ball players should not have to exercise with that threat.

Many of the opponents to other, proposed dog parks in the City express frustration that they and their kids can no longer use a particular field because of the prevalence of dog droppings. So even when dogs are not present, their impact is still felt. Never mind the fear of encountering an off-leash dog that may or may not be "friendly."

Parks should be first and foremost for people, but if dogs must share space with them, we need restrictions, such as limited hours and limited, fenced space.

Which leads to the topic of fences. The problems at Cold Springs are not exclusive to the exercise trail. The field is well maintained, but let's not pretend that off-leash dogs there don't pose a threat to runners and walkers on the adjacent trail and to the athlete's on the ball field neighboring the area. Further, while the off-leash area, by itself, is not as problematic as the trail, you can't separate the flow of dogs and people to the legal area from the problems on the trail and in the neighborhood.

Old Cold Springs had been a de facto dog park for many years prior to the current 9-month experiment but had not created the firestorm we see today. Why? It's my opinion that the official sanctioning of the meadow produced a magnetic effect, drawing a much greater volume of dog owners, who came specifically because of its new legal status.

So where does that leave us? Some supporters of the off-leash area say the experiment is a success, and if some people don't agree and aren't happy, then so be it. I don't consider such a winner-takes-all attitude good public policy. Successful policies are usually built on compromise. While it's true that some opponents want to see Cold Springs shut down completely, others are open to a scheme with limited hours and some kind of fencing. This possibility should be seriously considered. This is supposed to be an experiment, after all, and as such, we should be experimenting with various approaches to an off-leash area.

Ideally, dog parks would be in stand-alone, dog-specific areas that are not multi-use, are not located in parks and are not embedded in neighborhoods - call them "dog zones" where dogs and their owners aren't imposing on the rights and interests of neighbors or athletes or bird watchers or walkers, and they can come and park and let the dogs run with impunity.

The best way to avoid NIMBY neighbors and controversy and ill-will is to get the dog parks out of people's backyards in the first place, and away from athletes and walkers.



David B. Cohen
Mayor

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, War Memorial

December 21, 2009



Fran L. Towle
Commissioner

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice Chairman*, Arthur Magni, Kathleen Heitman, Jack Neville, *Alternate*, Peter Kastner, *Alternate*, Michael Clarke, *Alternate*, Fran Towle, *Commissioner*, Robin McLaughlin, *Secretary*

Also Attending: Bob DeRubeis, *Deputy Commissioner*, Amy Koel, *Chairman, Dog Off-Leash Advisory Committee (DOLAC)*

Commission Meeting called to order at 7:00 pm.

1. Meeting Minutes from the 11-16-09 Commission Meeting accepted 7-0.

2. Commissioner's Reports on Programs, Forestry and Maintenance

- Commissioner Towle reviewed the departments 2009 accomplishments and 2010 projects. (*see Attachment A*)
- Mr. Johnson stated there seems to be a lot of accomplishments and thanked Commissioner Towle.

3. Cold Spring Off-Leash Dog Park (CSP)

- Chairman Rice stated nobody in the audience will be speaking. The Commission has received hundreds of e-mails and heard statements during previous Commission meetings regarding the off-leash dog parks.
- Deputy Commissioner DeRubeis presented maps of the green space available in each ward for potential dog parks. Deputy Commissioner DeRubeis stated he will be meeting with Interim Planning Director Candace Havens after the New Year to determine off-leash sites.
- Chairman Rice commented Deputy Commissioner DeRubeis did a good job with the maps; all property in the City is covered. We need to study the locations. This issue will be discussed at next Commission meeting.
- Chairman Rice requested Chairman Koel provide a DOLAC update.
- Chairman Koel stated there is nothing more to say than what is in the report she submitted to the Commission (*see Attachment B*). Chairman Koel commented she is going to work with Ms. McLaughlin, the Commission Secretary, to post regular updates to the City website.
- Mr. Bernheimer commented the maps are nice but we should not start the process of revising the ordinance by looking at available locations. We need specifications for opening dog parks. We need to pull back until the permanent ordinance is in place. The ordinance should be reviewed by an existing committee or a new committee. Mr. Bernheimer feels the existing committee is not the way to go.
- Deputy Commissioner DeRubeis agrees with Mr. Bernheimer. The committees take on the situation is that the City is going to be "all in". Interim Planning Director Candace Havens and Deputy Commissioner DeRubeis will determine the criteria to start the process. The maps allow the committee to see what locations are available.

- Chairman Koel commented President Baker put together the DOLAC Committee because they were neutral. DOLAC checked on the process and situations in other communities. Currently there is an off-leash dog park survey being developed.
- Mr. Kastner reiterated what Mr. Bernheimer stated, there is a problem with the process. The problem is not just with the selection of location, but also the relationship between the Commission, the government body and the citizen groups. All groups must be involved with changing the ordinance.
- Chairman Rice asked the Commission members for their opinion regarding the Cold Spring Off leash Dog Park.
- Mr. Neville stated a city employee should be in charge of the dog parks and the dog parks should be funded. There should be a minimum of one dog park in every village. As Mr. DeRubeis stated each available parcel is a possibility. The committee updating the ordinance should be a balanced committee.
- Mr. Clarke commented that dog parks foster community. Cold Spring Dog Park does not work as is. Mr. Clarke agrees with Mr. Bernheimer. The CSP experiment should stop as it is now. The Commission is responsible for the Parks & Recreation land and should be the leaders of the dog parks.
- Mr. Kastner stated we need to look at how the ordinance has driven the process and dog parks must be recommended by citizens not the Commission.
- Mr. Magni commented if we say no to CSP it does not mean we will never go back. CSP Dog Park has a sense of renaissance. If CSP is closed, it could be re-opened concurrently with other dog parks throughout the city, maybe with limited hours.
- Mr. Kastner inquired if the current ordinance allows only citizen's groups to recommend dog park locations. Alderman Albright confirmed only citizen's groups may recommend dog park locations. Boston has the same conditions and has not been successful and this is one of the reasons the ordinance needs to be re-written.
- Mr. Clarke asked if no action is taken on Cold Spring Park tonight, what would happen to Cold Spring Off-Leash Dog Park. Alderman Albright responded this is the Parks & Recreation Commission jurisdiction and decision.
- Ms Heitman commented this issue has gone forward without a strategic plan or parameters to follow regarding parking, animal control, or fees. No invitation was given to the neighborhood to be part of the process. The past year has been a trial of learning, but the ordinance is flagrantly flawed and as a Commission member it would be egregious to affirm off leash dog parks until the ordinance has been improved.
- Mr. Johnson commented he agrees with a lot of what has already been said. The key element with this issue is cost. Cost will need to be addressed. The process is flawed because of the outside groups. We cannot go forward the way the ordinance is written.
- Officer Torres stated he has been a Newton Animal Control Officer since June 2009. His patrols include the Cold Spring Dog Park. Officer Torres has seen steady improvement at the park including:
 - Clean up
 - Off-leash dogs on the trails
 - Parking issues
- Officer O'Connell stated he was an Animal Control Officer for five years until his recent promotion. Some of the current issues with the dog park existed before the official dog park started in March 2009. The neighborhood has been through a lot but there has been steady improvement.
- Chairman Koel commented the ordinance is being re-written because DOLAC, the Law Dept and Board of Alderman agree it is flawed. The City is going to take responsibility.

- Mr. Bernheimer stated the temporary ordinance is in place until June 30, 2010. What are we going to do about Cold Spring Park?
- Mr. Kastner stated the Commission has the power to upgrade the standards at Cold Spring Park, such as installing additional signs and restricting hours.
- Mr. Bernheimer asked what good will come of discussing hour changes? There is a lot of sentiment to close the park and to keep the park open. Cold Spring Park has been an unofficial dog park for decades, if we close the off-leash dog park the parks becomes an unofficial dog park again and that does not accomplish anything. Keeping the off-leash dog park open as is, does not accomplish anything. Mr. Bernheimer recommends extending the off-leash dog park for three months and if there is no progress after March 31, 2010 then the park will be closed.
- Mr. Kastner agrees with Mr. Bernheimer's recommendation but doubts there will be any progress in this time frame. The English established their defensive plan in WWII in less time than it has taken to resolve this off-leash dog park issue.
- Chairman Rice asked Chairman Koel for her thoughts. Chairman Koel deferred to Deputy Commissioner DeRubeis.
- Deputy Commissioner DeRubeis stated the Board members know what is happening in the City and he cannot tell anyone where he will be in two months. In January as the Interim Commissioner he will give the Commission an update on his meeting with Candace Havens and will do his best to move the process at a productive pace.
- Mr. Magni agrees incentives for reform is a good one.
- Mr. Johnson inquired what will be measured in three months.
- Mr. Bernheimer stated the Commission cannot commit to tangible progress. The Interim Commissioner can report to the Commission monthly.
- Deputy Commissioner DeRubeis stated the ordinance is not in his purview to change, he can only make recommendations. Mr. Bernheimer made the following motion:

Extend Cold Spring Off-Leash Dog Park through March 31, 2010. Interim Commissioner to define a committee to create, analyze, and define specifications of the ordinance for opening additional dog parks. The motion was seconded by Mr. Kastner. The motion passed 5-3.

4. Mayor-Elect Warrens request of Commissioner Towle

- Commissioner Towle stated the Commission members should have received an e-mail from her this past week. The e-mail explains that Mayor Elect Setti Warren has requested her last day as Parks & Recreation Commissioner be December 31, 2009. Deputy Commissioner DeRubeis has been appointed Interim Commissioner. Commissioner Towle thanked the Commission for their support and help over the years. It has been a pleasure to work with such a committed group of people.
- Chairman Rice would like the members to go out to dinner with the Commissioner. Commissioner Towle will let the Commission know available dates for dinner.
- Deputy Commissioner DeRubeis commented he has known Commissioner Towle for 25 years. The Commissioner has taught him a lot and she has always been a professional.
- Mr. Bernheimer stated as a Commission member he would like to officially thank Commissioner Towle on behalf of the Citizen's of Newton.

5. New Business

- Mr. Bernheimer commented a few of the Commission members should make an appointment with Mayor-Elect Warren and get his thoughts on Parks & Recreation .

Meeting adjourned at 8:04pm

Respectfully submitted:

Robin McLaughlin, Secretary

ATTACHMENT A

2009 Accomplishments

- NSHS Tennis Courts. Tennis court crack repair at McGrath (Warren) and Weeks (7 courts total).
- NSHS Turf
- Splash feature installed at Gath Pool
- Replacement of low level automatic valve to control water flow at Gath Pool
- Shade structure installed at Newton Centre Tennis Courts
- Storage shed replaced at Newton Centre Tennis Courts
- Hired Justin LaLiberte – Synthetic Turf Specialist
- Restoration of Coletti-Magni Park
- Completed path at Crystal Lake
- Implemented a new fence repair contract. Chain link fence replacement at Newton Centre Tennis Courts and chain link fence installation at Commonwealth Golf Course.
- Renovated the baseball field at Albemarle Field
- Renovated softball field at Forte park
- Boiler replaced at the Auburndale Cove
- Gym mats installed at the Lower Falls Community Center
- Lighting installed at Lyons Field
- Prioritized Access Projects FY11-FY15, CDBG, and submitted applications:
 - FY 11
 - Farlow Park Tot Lot (N. Corner, Ward 7) – \$10,000 [S. Pelkowsky]
 - River Street (W. Newton, Ward 3) – \$12,500 [S. Pelkowsky]
 - Burr Park Stair(s) Handrails (N. Corner, Ward 7) – \$5000 [C. Schein]
 - Newton Centre Playground/Phase IV (N. Centre, Ward 6) – \$40,000 [C. Schein]
 - FY 12
 - Cold Spring Park, Phase II (Waban, Ward 5) – \$25,000 [C. Schein]
 - Cabot Park Master Access Plan (Newtonville, Ward 2) - \$42,000 [C. Schein]
 - Crystal Lake Access, Phase II (N. Centre, Ward 6) – \$5,000 C. Schein]
 - FY 13
 - Newton Centre Playground/Phase V (N. Centre, Ward 6) – \$50,000 [C. Schein]
 - Burr Park (N. Corner, Ward 7) – \$50,000 [S. Pelkowsky]
 - Cabot Park Access/Phase I (Newtonville, Ward 2) - \$40,000 [C. Schein]
 - FY 14
 - Newton Centre Playground/Phase VI (N. Centre, Ward 6) – \$50,000 [C. Schein]
 - Cabot Park Access/ Phase II (Newtonville, Ward 2) - \$40,000 [C. Schein]
 - Richard J. McGrath Park Master Access Plan (W. Newton, Ward 3) - \$42,000 [C. Schein]
 - FY 15
 - Cabot Park Access/Phase III (Newtonville, Ward 2) - \$40,000 [C. Schein]
 - Newton Centre Playground/Phase VII (N. Centre, Ward 6) – \$40,000 [C. Schein]
- Design phase of three (3) Federal Stimulus Package park access projects completed, Cold Spring, Nahanton Park and Newton Center (Bowen St.).
- Design phase of Upper Falls Tennis Courts/Entry Area project completed.
- Design and installation of six (6) new Park Identification Signs: The Cove (3), Newton Centre Playground (2) and Lyons Park (1).
- Five (5) Memorial bench donations/installations: Edmands Park (1), Cronin’s Cove @Crystal Lake (2), Mason-Rice Garden (1), and Lower Falls Playground (2).

- Urban Forestry
 - Report on the State of the City's Urban Forest
 - Revised Tree Preservation Ordinance application form
 - Customer Service request system implemented
 - Created comprehensive web page

2010 Projects

- Install new lockers at Gath Pool
- Crack repair at Gath Pool
- Hire an additional Synthetic Turf Specialist
- Painting at Lower Falls Community Center and the Emerson Community Center
- Stimulus package at Stearns and Hawthorne Park
- Accessibility pathway projects at Cold Spring, Nahanton Park and Newton Center (Bowen St.)
- Light pollution waiver
- Apply for CPA funding to complete pathway at Crystal Lake
- Put out for bid:
 - Maintenance & Repair of the city basket ball & tennis courts
 - Upper Falls Tennis Courts
- Urban Forestry
 - Urban Forestry Reporting and Measurement protocol
 - Improved public outreach
 - Comprehensive Tree Planting Plan
 - Improve quantity of tree work completed

ATTACHMENT B

12/21/2009

To: Parks and Recreation Commission: Fran Rice, Chair
From: Dogs Off-Leash Advisory Committee: Amy Koel, Chair
Re: Nine Month Report: Off-Leash Program at Cold Spring Park

Action Requested

- The off-leash (OL) area at Cold Spring Park (CSP) officially opened in March of 2009. The nine month trial period is now over. The Dogs Off-Leash Advisory Committee is asking the Commission to leave the park open until June 30, 2010. This will correspond with the deadline set by the Board of Aldermen and allow time for the Warren administration to have input, for a new ordinance to be written and for a new approval process to get underway.

Recent Developments

- The Board of Alderman has extended the current ordinance until June 30, 2010. The expectation is that a new process of identification and implementation of OL areas will be planned and a new ordinance written. The Parks and Recreation Department and the Planning Department will be initiating this new process for lands under Parks and Recreation control.
- Mayor Cohen and Mayor-elect Warren support continuing the OL area at CSP.
- A report was submitted (October, 2009) written by Sergeant (then Officer) O'Connell and supported by Chief Cummings which states that the trial period got off to a "rocky start" but that "compliance has steadily improved all around the park."
- A letter was received from the U.S. Department of the Interior stating that: dog parks were "not universally popular," but there is "growing demand," for them, and that "dog parks can be construed as a form of recreation for dog owners." It further stated that, in the case of CSP, "long-term operation and maintenance" is the responsibility of the city of Newton.
- A letter was received from the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, investigating Newton's management of this situation. It concluded that "the city is not in violation of its agreement with the National Park Service." It described a visit from the LWCF Coordinator which found no off-leash dogs on the trails, no dog waste and the park to be in good condition and welcoming to visitors.
- An application for Norumbega has been submitted to the Advisory Committee, is under revision and is nearly completed.
- Applications for Nahanton, Braceland, Newton Centre and Hunnewell have been accepted by the Commission. Nahanton is in revision in response to community input. Braceland and Hunnewell also have been revised in response to community input and the revised applications are posted on the City's website. We understand that the Commission will not vote on these at the present time.

Summary of the Current Situation

- The OL area at CSP has been a success by many measures. The applicant group has, in general, fulfilled their stated responsibilities. Cleanliness of the area is excellent. Dog owners who let their dogs off leash in the area are no longer violating the law; people who would not have met each other in other ways are in contact. The police report indicates that compliance is better now than it had been in previous years and than it was before the park officially opened. The owners can assist the Newton Police Department when necessary. The owners are largely compliant and many are making an effort to remind others who are not in compliance (in the neighborhood and on the trails) that they must keep their dogs on leash.
- The situation clearly is not perfect. Occasionally dogs run off the field. Some dog owners still are not leashing their dogs while approaching and leaving the field in the neighborhood and on the access road and some dogs are still entering neighborhood yards. Some of the abutters report repeated violations of the leash law with dogs defecating on their lawns, use after dark (when it is not legal) and noisy behavior.
- As evidenced from recent emails, other neighborhood residents report enjoying the park and are asking that it remain open.
- The trails are a continued source of controversy. Some owners have been using the trails for years without leashing their dogs. The trails were not part of the original proposal, which only addressed the field. However, enforcement by the Police Department has included the trails, as the goal of this endeavor was to provide off-leash areas for dogs to use and to decrease the presence of off-leash dogs in other areas. The police department report noted fewer dogs on the trails and greater compliance on the trails since the trial began. Some of the owners who use the trails off leash are opposed to the OL area and the concomitant increased enforcement and publicity. They want the OL area closed. Some owners prefer to use the trails off leash but have been in compliance as they don't want the OL area closed. Some neighborhood users of the trails report the continued presence of off-leash dogs there and some think that the trails should only be used for exercise and running.

Closing the Park

- What will happen if the OL area is closed? We expect that this will not be acceptable for the owners, most of who have behaved in a lawful and responsible manner. This is a large group, from what we see from recent emails, including one letter with 386 signatures. We also expect that use of the OL area will decrease, as some owners will only use areas that are legal. Of course, closure should be welcomed by those in the neighborhood who want the park shut and should displease abutters who want the park to remain open. We expect that many owners will continue to use the OL area, as they have for decades. Other owners likely will use the trails, both on and off-leash, as they have for decades. This continued usage of field and trails likely will please people who want to go back to "business as usual." We expect continued use will not be acceptable for those in the neighborhood who want the park closed. We expect that this will create additional and significant tensions.

Thank you for your time and consideration,

Dogs Off-Leash Advisory Committee



Setti D. Warren
Mayor

Newton Parks & Recreation Commission
Meeting Minutes
City Hall, Room 209, 7:00pm
January 25, 2010



Robert J. DeRubeis
Interim
Commissioner

Attending: Fran Rice, *Chairman*, Walter Bernheimer, *Vice Chairman*, Arthur Magni, Kathleen Heitman, Jack Neville, *Alternate*, Peter Kastner, *Alternate*, Robert DeRubeis, *Interim Commissioner*, Robin McLaughlin, *Secretary*

Meeting called to order at 7:00 p.m.

- 1. Meeting Minutes from the December 21, 2009 meeting accepted 6-0**
- 2. Lee Mottard presentation**
 - The presentation of a gift was scheduled. The gift is for Mr. Lee Mottard. Mr. Mottard is being recognized for his service to the Commission. Mr. Mottard was a Commission member who resigned in October 2009. Mr. Mottard could not attend the meeting. The gift was sent via U.S.P.S.
- 3. Commissioner's Reports on Programs, Forestry and Maintenance**
 - Interim Commissioner DeRubeis distributed a new report that will be presented at the Commission meetings (see Attachment A). The report is a monthly snapshot of the Parks & Recreation Department. The snapshot follows the Recstat model which is a performance measurement based management system. The snapshot includes performance, financial, and attendance statistics.
 - Mr. Bernheimer recommends adding year to date information.
 - Mr. Rice inquired where the attendance numbers come from for the NNHS Indoor Recreation attendance. Interim Commissioner DeRubeis stated the information comes from the Sportsmen computer program used to record the number of people going through the different programs.
 - The Auburndale Cove has been open for ice skating. Approximately 900 people have been in attendance over the last two weekends. The expense to plow and plane the ice for skating is \$600.00/day.
 - The Lower Falls Community Center has been awarded \$500,000.00 dollars for renovations. Mr. Neville inquired where the money came from. Interim Commissioner DeRubeis stated the money came from a State Capital Bond. Interim Commissioner DeRubeis has met with State Representative Kay Khan, Mayor Warren and members of the Lower Falls Community to discuss the project. The Parks & Recreation Department and the Public Buildings Department will be working together on this project.

4. Off-Leash Area Working Group (OLAWG) – Update

- Interim Commissioner DeRubeis stated OLAWG has met three times during the month of January. Weekly meetings are scheduled on Fridays at 9:00 a.m. in room 222 at City Hall. The meetings are open to the public. The meeting is a working session but the last five minutes are open to the public.
- OLAWG has a web page on the City web site, <http://www.ci.newton.ma.us/Parks/DogInformation/index.htm>
- Most of the City's current information for dog owners can be found on this web page. Other information on the website includes a list of the OLAWG members and their biography's. The agenda and meeting minutes are posted on the web page. A dog owner survey has been posted to the web site and OLAWG members are working on getting the word out to dog owners about the survey.
- The group is currently working on the language for Phase 1 criteria. Interim Commissioner DeRubeis defined the Phase 1 & Phase 2 criteria:
 - Phase 1 = Criteria for what makes a green space acceptable for use as an off leash area
 - Phase 2 = Criteria for off leash area
- Mr. Bernheimer stated there are two types of recreation, passive and active. Conditions for success of an OLA are different for each of these areas.
- Mr. Neville asked if there should be an OLA in each Ward of the City.
- Mr. Bernheimer stated at least 30 OLA should be proposed, though it is unrealistic, if there is no enforcement.
- Mr. Magni stated he hoped one of the criteria is enforcement. Mr. Bernheimer agreed with Mr. Magni.
- Interim Commissioner DeRubeis stated enforcement is a phase 1 criteria.
- Mr. Magni commented the website is a good idea.
- Interim Commissioner DeRubeis stated the group will never meet 100% compliance with the public but the idea is to be transparent with the information.
- Chairman Rice stated OLAWG is a diverse group and they are doing great work.
- Mr. Bernheimer stated playgrounds are obvious sites for fenced in areas. Most communities Mr. Bernheimer has spoken with have fenced in off leash areas. Where is the money going to come from for fencing? Funding would be the City's responsibility.
- Chairman Rice commented people create the issues. Chairman Rice attends the YMCA and people ignore the sign requiring members to shower before using the sauna. There is no enforcement. Without enforcement some people will not follow the rules.
- Mr. Neville stated having signs allows the rules to be enforced.
- Mr. Bernheimer commented we need Officers that will enforce the rules.
- Mr. Johnson asked Interim Commissioner DeRubeis if cost is a phase 1 criteria. Interim Commissioner DeRubeis stated cost is a phase 2 criteria.
- Mr. Bernheimer stated the OLAWG is going about it the right way, the City is in charge.

5. Election

- Chairman Rice asked for nominations for Chairman and Vice Chairman.

Mr. Bernheimer made the motion to nominate Arthur Magni for Chairman. Ms. Heitman seconded the motion. Motion passed 6-0.

- Mr. Magni thanked the Commission for the vote of confidence.

Chairman Rice made the motion to nominate Kathleen Heitman for Vice-Chairman. Mr. Magni seconded the motion. Motion passed 6-0.

- Ms. Heitman thanked the Commission for the vote of confidence.

6. New Business

- No new business

Meeting Adjourned at 7:30 p.m.

Respectfully submitted:

Robin McLaughlin, Secretary



Setti D. Warren
Mayor

**Newton Parks & Recreation Commission
Meeting Minutes
City Hall, Room 209, 7:00pm
February 22, 2010**



Robert J. DeRubeis
Interim
Commissioner

Attending: Arthur Magni, *Chairman*, Kathleen Heitman, *Vice Chairman*, Fran Rice, Walter Bernheimer, Jack Neville, *Alternate*, Peter Kastner, *Alternate*, Michael Clarke, *Alternate*, Robert DeRubeis, *Interim Commissioner*, Robin McLaughlin, *Secretary*

Absent: Peter Johnson

Meeting called to order at 7:03 p.m.

1. Meeting Minutes from the January 25, 2010 meeting accepted 6-0

2. Lee Mottard

- Mr. Mottard requested a moment to address the Commission. Mr. Mottard received the gift sent to him by the Commission in recognition for his service to the Commission. Mr. Mottard thanked former Chairman Rice for bringing him on board and guiding him. Mr. Mottard thanked Interim Commissioner DeRubeis the Commission members and the Commission Secretary for their support and the gift.

3. Commissioner's Reports on Programs, Forestry and Maintenance

- Interim Commissioner DeRubeis reviewed the Parks & Recreation Department monthly "Snapshot" (See attachment A). A fiscal year to date column was added per Mr. Bernheimer's recommendation. Mr. Bernheimer recommended including the previous fiscal year to date information.
- Interim Commissioner DeRubeis reviewed the presentation given to the Programs & Services Committee on February 17, 2010. All departments who report to the Programs & Services Committee have been asked to present a department overview to the committee. The overview for Parks & Recreation focuses on the performance management system previously adopted by the dept.
- Interim Commissioner DeRubeis stated two of the oldest Commission meeting minute books have been sent out and gone through the preservation process. The books are being stored in the City Clerk vault. Mr. Bernheimer inquired how many minute books need to be preserved. The Commission Secretary stated there are seven meeting books remaining to be preserved. Mr. Bernheimer recommended the secretary contact the Community Preservation

Committee to see if there is available funding to preserve the remaining books.

4. Reorganization

- Interim Commissioner DeRubeis stated as all members are aware there has been discussion on moving the Parks & Recreation maintenance division over to the Public Works department. The programs portion of the department will stay where it is, and the maintenance division would be under the responsibility of the Public Works Department. Currently there is discussion with the Law Department. This move would change some of the ordinances already in place.
- Mr. Kastner stated the Mayor mentioned that programs would fall under the Recreation Commission, where would park development and control of the park lands fall. Interim Commissioner DeRubeis stated park development and control of park lands would stay with Recreation.
- Mr. Bernheimer inquired how much money would be saved from this move. Interim Commissioner DeRubeis stated they are not sure yet. Mr. Bernheimer stated the only money savings would be in reducing personnel. Interim Commissioner DeRubeis responded yes and with the sharing of equipment, this will be an on-going process.

5. Off Leash Area Working Group (OLAWG) Update

- Interim Commissioner DeRubeis reviewed the groups progress:

Meetings

Every Friday at 9:00 a.m. in Room 222 at City Hall
Weekly Meetings began on January 7, 2010

Progress

Created Web Page

Posted Dog Owner Survey to webpage

Reviewed preliminary results of Survey

Contacted School PTO – sending notification of survey in e-newsletters (21 PTO groups)

Established preliminary criteria for evaluating a green space

Currently evaluating criteria by performing preliminary green space ratings

- Interim Commissioner DeRubeis stated the group has gone back to step 1 and have looked at green space in each ward and have eliminated some green space as off leash area (OLA) options. The group is performing evaluations on green space to evaluate the criteria. Once the criteria are finalized the list will be posted on-line.
- Interim Commissioner DeRubeis will be meeting with Dan Atkinson from the Newton TAB to provide an update on OLAWG progress.
- Mr. Kastner stated in reviewing the survey results, it is interesting 83% of those that took the survey would be willing to pay a one time fee for funding OLA's.
- Interim Commissioner DeRubeis commented the survey is taken by dog owners only.

- Mr. Bernheimer stated conclusions should not be drawn from the current survey results. Mr. Rice agreed and commented non-dog owners and abutters should be included.
- Mr. Magni inquired if there has been any discussion at the OLAWG meeting regarding the Cold Spring Park OLA.
- Mr. Bernheimer stated no, the group is looking at the City objectively.
- Mr. Magni commented March 31 is the sunset date for Cold Spring Park OLA. Mr. Bernheimer stated that is a matter of policy.
- Interim Commissioner DeRubeis stated OLAWG was tasked with creating criteria and the group has met this task and are making steady progress.
- Mr. Bernheimer agrees, stating he made the motion at the December 2009 meeting requesting Interim Commissioner DeRubeis meet this task and the group is making good progress and will come up with a process for OLA's.
- Interim Commissioner DeRubeis stated the Mayor requested the process be transparent to the public. The group has created the website where the meeting minutes are posted and the criteria will be posted. Interim Commissioner DeRubeis wanted to recognize Commission Secretary Robin McLaughlin who is also the recording secretary for OLAWG and the LFCC Renovations group. Ms. McLaughlin has been doing a great job of recording and posting the minutes to the website.
- Mr. Bernheimer asked Mr. Lee McIntyre, member of OLAWG if he had any comments. Mr. McIntyre had no comments.
- Ms. Heitman inquired if the survey will be posted into the Newton Tab. Interim Commissioner DeRubeis stated no, when he has the interview with Dan Atkinson, reporter from the TAB, he will request a reference to the survey be included in the article.

6. Relay for Life

- Kate Glynn of the American Cancer Society requested permission for the Relay for Life event on May 22 & 23 2010 at Forte Park. Ms. Glynn presented the event details (See Attachment B). Letters will be sent to the abutters of Forte Park and the abutters will have the chance to ask questions, make comments and express concerns about the event during the March 15, 2010 Commission meeting.

7. Crystal Lake- Task Force & Conservancy – Janice Bourque

- Ms. Bourque stated the Crystal Lake Task Force report is almost finalized and will be posted on-line.
- The Crystal Lake Conservancy was formed to determine the health and well being of Crystal Lake. Working with Beal Associates the Conservancy will conduct a water quality study. The group has pulled together the new logo and a future membership campaign.
- The Task Force has revised their vision by adding a circular driveway and a new drop off area.

- Ms. Bourque stated one idea to raise funds for the project is utilizing the Commemoration Policy on items in the area, such as benches, trees, etc.
- Mr. Rice inquired if the current name of the bath house is Gil Champagne. Ms. Bourque stated yes.
- Mr. Rice commented the beach is eroding away. Ms. Bourque stated beach erosion is one of the reasons the group would like to conduct an environmental impact study.
- Mr. Kastner inquired what the budget is for the new building project. Ms. Bourque stated 4.5 million dollars. Mr. Kastner inquired if the project is eligible for federal stimulus money.
- Mr. Bernheimer stated he agrees with the concept but does not believe the project would be eligible for CPC funding if the new house will be put up in the existing space.
- Mr. Magni inquired if the Conservancy was appointed by the Mayor Cohen administration. Ms. Bourque stated no, the Conservancy came about from questions by the Board of Alderman.

8. Clay Court Tennis Fees – Mike Lewitt

- Mr. Lewitt reviewed the 2010 Clay Court rules, regulations and fees.
- Fees are the same as 2009. The only new rules are the following:
 1. Players must wear a shirt
 2. Profanity is unacceptable
 3. Decision by the court manager are law
- Mr. Magni inquired if the court managers are college students. Mr. Lewitt replied typically yes they are college students.
- Mr. Bernheimer stated the non-resident hourly rate is not high enough; it should be the same ratio as the resident rates.
- Mr. Rice inquired what the overall gross income is for all lessons. Mr. Lewitt replied ~\$280 thousand dollars.
- Mr. Rice asked if Mr. Lewitt ran any special camps. Mr. Lewitt replied yes camps for children 9-12 years old.
- Mr. Magni stated the program has been successful. Mr. Lewitt stated the program has grown each year since he has taken over.
- Mr. Magni inquired if there is activity on all courts. Mr. Lewitt replied yes.
- Interim Commissioner DeRubeis commented Mr. Lewitt has taken the tennis program to a new level. He has done a great job.
- Mr. Kastner inquired how much income is there form non-residents. Mr. Lewitt stated not a lot of money; he can submit figures at a later date. Mr. Kastner inquired if there are many doubles matches. Mr. Lewitt stated doubles matches are usually booked by members. The guest fee and non-resident fees are the same.

Fran Rice made the motion to accept the 2010 Clay Court Tennis rules, regulations and fees as submitted. Ms. Heitman seconded the motion. Motion defeated in a 3-4 vote.

- Mr. Bernheimer suggested increasing the non resident hourly rate to \$14.00 or lowering the season pass rate to \$175.00 so the ratio between the two rates is the same as resident fees.

Mr. Bernheimer made the motion to accept the 2010 Clay Court Tennis rules, regulations and fees as submitted with the exception of the non resident season pass fee which will be reduced to \$175.00. Mr. Clarke seconded the motion. Motion passed 6-1.

9. New Business

- Ms. Heitman commented the Commission has four vacant seats, Ward 1, 6, 7 and one Alternate position. Should the Commission fill these vacancies?
- Interim Commissioner DeRubeis stated Andrew Warner in the Mayor's Office is working on Commissions and Committees for Mayor Warren.

Meeting Adjourned at 8:20 p.m.

Respectfully submitted:

Robin McLaughlin, Secretary

Attachment A
SNAPSHOT

Key Performance Indicators

	Jan-09	Jan-10	Fiscal Y-T-D	Comments
Forestry Requests Received	38	30	908	
Forestry Requests Completed	52	26	904	
Maintenance Requests Received	13	8	151	
Maintenance Requests Completed	13	8	142	
Camp Fair Attendance	342	475	475	2009- low attendance due to snowstorm
Ice Skating- Auburndale Cove	0	1,270	1,270	\$2,507.21 Maintenance Cost- \$1,307.82 Staff Expense
Administration-Calls Received	383	553	4,776	Incoming Calls to 617-796-1500

Financial Indicators

	Jan-09	Jan-10	Fiscal Y-T-D	Comments
REVENUE				
Operating	\$7,702.00	\$2,100.00	\$105,030.00	Annual building rental rec'vd in '09 but not in '10
Revolving				
Classes/Activities	\$34,589.00	\$56,859.00	\$409,740.00	Skating lessons & NSHS Indoor Recreation
Camps	\$145.00	\$9,709.00	\$451,776.00	Kids Korner, Clinic (NGBA)- NGBA \$7,600.00 deposit. Timing of deposits- last year rec'vd deposit Feb 09
Arts in the Parks	\$21,726.00	\$17,043.00	\$131,060.00	
Senior Citizens	\$3,677.00	\$1,027.00	\$22,354.00	
Landscape Maint	\$0.00	\$25,000.00	\$27,491.00	Newton Commonwealth Golf payment
Tree Ordinance	\$4,640.00	\$0.00	\$17,030.00	
Revolving Total	\$64,777.00	\$109,638.00	\$1,059,451.00	

	Jan-09	Jan-10	Fiscal Y-T-D	Comments
EXPENSES				
Operating	\$514,008.00	\$430,588.00	\$2,679,457.00	Less: snow & tree emergencies, tree removal & prunings. Heating oil during Jan '10
Revolving				
Classes/Activities	\$90,010.00	\$67,017.00	\$504,220.00	Tennis instructor paid in Jan'09 but not in Jan '10
Camps	\$11,565.00	\$2,499.00	\$383,634.00	Less: expenses in Kids Korner, Echo Bridge & clinics-ngba
Arts in the Parks	\$28,957.00	\$10,879.00	\$113,552.00	Open Studio Prgm transferred to Newton Pride Jan '09
Senior Citizens	\$503.00	\$2,804.00	\$20,756.00	Payments made Jan '10 to restaurants for upcoming senior bus trip
Landscape Maint	\$0.00	\$0.00	\$14,679.00	
Tree Ordinance	\$52,663.00	\$0.00	\$16,586.00	
Revolving Total	\$183,698.00	\$83,199.00	\$1,053,427.00	
Emergency				
Snow/Ice Control				
Regular Overtime	\$ 21,484.00	\$ 19,725.00	\$ 37,887.00	
Rental - Vehicles	\$ 202,718.00	\$ 150,990.00	\$ 150,990.00	

Departmental Attendance

	Jan-09			Jan-10		
	Total = 20	Days	Manpower	Total = 19	Days	Manpower
	Workdays	Missed	Indicator	Workdays	Missed	Indicator
Administration	280	32.50	88.4%	266	70.50	73.5%
Maintenance	360	104.82	70.9%	342	82.00	76.0%
Forestry	40	5.00	87.5%	38	5.50	85.5%
Total Dept Attendance	680	142.32	79.1%	646	158.00	75.5%

Jan 10: includes Fran T. & Judy Anderson,
Judy Dore vacation. 2 Maint-WC

Narrative

General

Funtastic Friday for 5th graders @ Hyde Community Center
 Vacation Camp @ the Hut, LFCC and Burr Park
 Camp Registration has begun and camps are filling up fast
 Ice Skating Lessons provided for children and adults
 Spring & Summer Tennis registration

Highlights

Mayor Warren visit to P&R Office
 LFCC Renovation Project
 Presentation to Board of Alderman-Programs & Services Committee
 Began process of preserving Commission meeting minutes books -1912 -1954 are available in the Clerks office

Coming Events

Kids Funfest & Spelling Bee with 350 children through the Cultural Center with Linda Plaut
 Special Athletes playing at Harvard during game halftime on Friday 2-26-10
 Special Athletes Kevin Clancey Basketball tournament
 Seniors trip to Foxwoods 2-24-10 and to see Celtic Women in March
 C. Ames & S. Pelkowsky attending Playground Safety Inspector recertification course
 NNHS & NSHS Indoor Recreation Programs
 Camp Managers preparing for summer camp staff interview day



Relay For Life of Newton/Brookline

The American Cancer Society Relay For Life is a life-changing, fun-filled overnight event that brings together 3.5 million people across the country to raise cancer awareness and funds for cancer research, advocacy efforts, education, and patient service programs. It serves as a celebration for cancer survivors, a memorial for loved ones lost, and a community rally to fight cancer.

Here's how it works: A team captain gets together some of their closest friends, co-workers, family members, etc. and forms a team. Families, businesses, clubs, hospitals, religious organizations, and schools all organize Relay teams. The team members go out and collect contributions prior to the event.

The day of Relay, participants grab their tents and lawn chairs and head to pitch their tents on the field and take turns walking around the track for the duration of the Relay. Relay For Life has a festive atmosphere created by music, food, and camaraderie to celebrate survivors and the teams' successful fundraising efforts.

The first lap at the Relay For Life is dedicated to cancer survivors, who officially start the event by walking the first lap. It's very emotional and hopeful to see so many people who DO survive cancer! Following this lap, survivors are honored with a reception!

In the evening, there is a Luminaria Ceremony. White bags with a candle are placed around the track. Each one is dedicated in honor of a cancer survivor or in memory of someone who has lost the fight with cancer. The candles surround the track and light the way as Relay For Life participants walk throughout the night.

Schedule of Events

Saturday, May 22, 2010

By noon – Tents, tables, chairs, portable toilets (if necessary), and other event materials set up

4 p.m. – Participants arrive and begin to set up campsites

6 p.m. – Opening Ceremony: Speakers and Survivor Lap

6:30 p.m. (approximately) – Survivor Reception

9 p.m. – Luminaria Ceremony

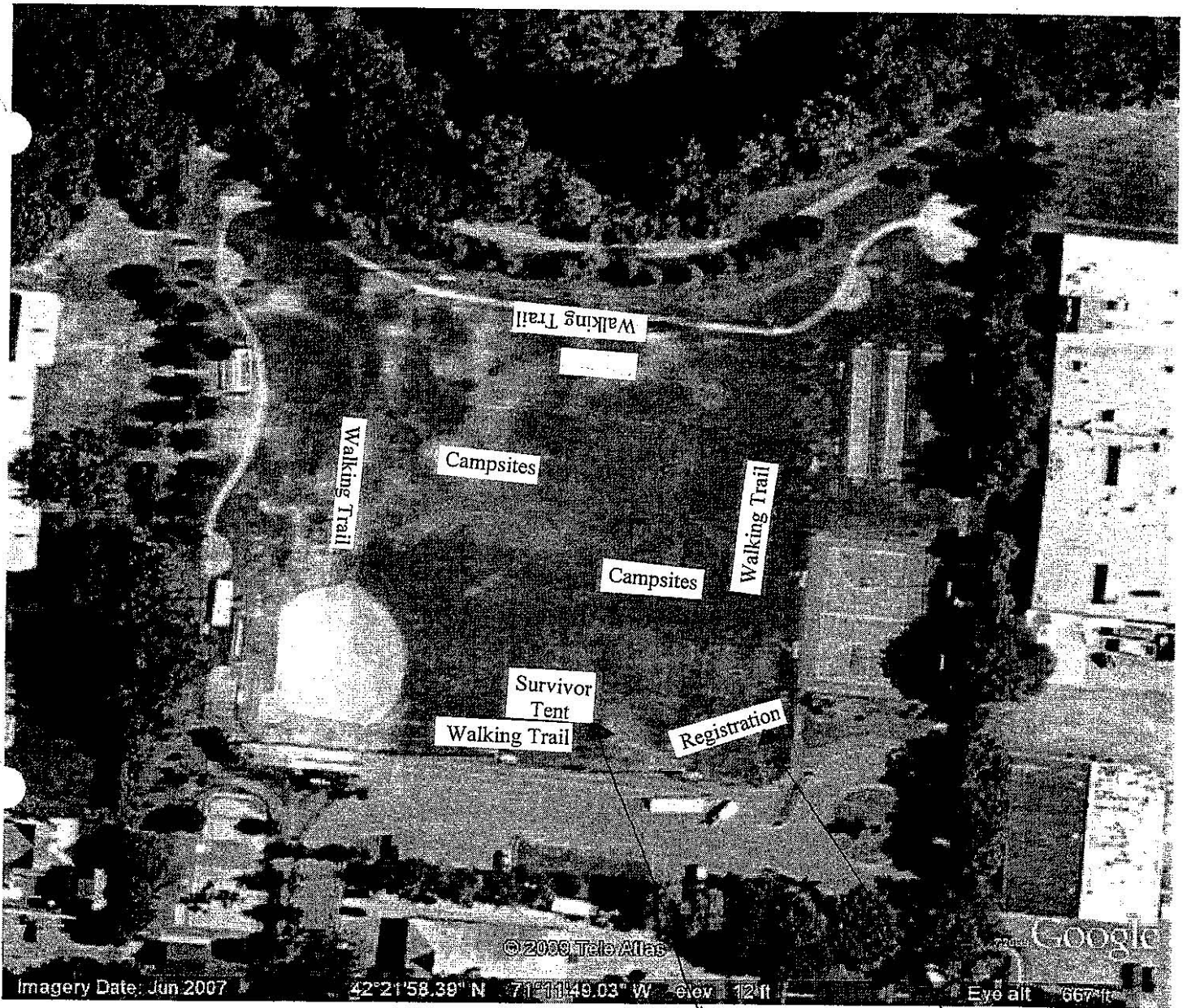
TBD – Fight Back Ceremony

Sunday, May 23, 2010

10 a.m. Closing Ceremony

By noon – Site cleaned up

Questions: Kate Glynn – kate.glynn@cancer.org or 781.314.2670



← California Street →

10' x 20'

20' x 30'

**NEWTON CENTRE CLAY TENNIS COURTS
RULES AND REGULATIONS
2010**

RESERVE COURT PLAY:

- ALL PLAYERS MUST PURCHASE A SEASON PERMIT OR PAY THE HOURLY FEE TO PLAY ON THE NEWTON CENTRE CLAY COURTS. Permits may be obtained at the courts.
- PERMIT HOLDERS WHO BRING A GUEST, (NON-PERMIT HOLDER) ARE RESPONSIBLE FOR MAKING SURE HOURLY FEE IS PAID TO ATTENDANT BEFORE STEPPING ON COURT.
- ALL PLAYERS MUST CHECK IN WITH COURT ATTENDANT PRIOR TO ENTERING THE COURTS. PERMIT AND DRIVERS LICENSE MUST BE SHOWN AT THIS TIME, OR GUEST FEE MUST BE PAID.
- PERMIT HOLDERS MAY RESERVE A COURT UP TO SEVEN DAYS IN ADVANCE. NON PERMIT HOLDERS MAY NOT RESERVE A COURT.
- A PERMIT HOLDER MAY HAVE ONLY ONE COURT RESERVATION ON THE BOOKS AT A TIME. PERMIT HOLDERS MUST FINISH USING THAT TIME BEFORE THEY MAY BOOK ANOTHER COURT.
- A MAXIMUM OF ONE (1) HOUR MAY BE BOOKED FOR SINGLES. ONE PERMIT HOLDERS NAME IS REQUIRED TO BOOK THIS COURT. A MAXIMUM OF 1.5 HOURS MAY BE BOOKED FOR DOUBLES PLAY. TWO PERMIT HOLDERS NAMES ARE REQUIRED TO BOOK THIS COURT.
- PLAYERS ARE NOT ALLOWED TO USE A 2 HOUR DOUBLES BOOKING FOR SINGLES PLAY. IF ONLY 2 PLAYERS SHOW UP FOR A DOUBLES BOOKING, THEY FORFIT THE 2ND HOUR.

ANY PLAYER WHO INTENTIONALLY OR REPEATEDLY MAKES A 1.5 HOUR DOUBLES BOOKING, FOR THE PURPOSE OF PLAYING SINGLES WILL HAVE BOOKING PRIVILAGES TERMINATED WITHOUT A REFUND.

- IF AT LEAST ONE PLAYER IS NOT PRESENT AT THE START OF THE HOUR FOR WHICH A COURT IS BOOKED, COURT IS IMMEDIATELY GIVEN TO WAITING PLAYERS. BY FIVE MINUTES PAST THE HOUR TWO PLAYERS MUST BE ON THE COURT, OR BOOKING IS FORFIETED AND COURT IS GIVEN TO WAITING PLAYERS.

ALL PLAYERS ARE REQUIRED TO SWEEP THE COURT AFTER USE IN A MANNER THAT IS APPROVED BY COURT ATTENDANT.

WHEN GATES ARE LOCKED, NO PLAY IS PERMITTED AND NO PLAYER IS ALLOWED ENTRY INTO THE COURTS.

- ALL PLAYERS ARE REQUIRED TO WEAR A SHIRT ON THE COURT.
- ALL PLAYERS ARE REQUIRED TO INTERACT WITH OTHER PLAYERS IN A COURTEOUS AND CONSIDERATE MANNER. YELLING AND USE OF PROFANITY ARE PROHIBITED.
- ALL PLAYERS ARE REQUIRED TO ABIDE BY ANY DECISION TAKEN OR DIRECTION GIVEN BY THE COURT MONITOR

**NEWTON CENTRE CLAY COURTS
DATES & TIMES OF OPERATION
2010**

All hours are subject to change. Permit holders reserve times:

Pre-season: May 3 – May 31	Mon. – Fri. 9:00 – Noon 4:00 – 8:00PM Sat. & Sun. 9:00 – 1:00 4:00 – 6:00PM
Regular season: June1 – September 6	Mon. – Fri. 9:00 – Noon 3:00 – 8:00PM Sat. & Sun. 9:00– 1:00 3:00 – 6:00PM
Post season: September 7 – October 15	Mon. – Fri. 9:00 – Noon 3:00 – 6:00PM Sat. & Sun. 9:00– 1:00 3:00 – 6:00PM

Closed for maintenance daily during regular season Mon – Fri. Noon to 3:00; Sat&Sun. 1:00 – 3:00PM. Regular Maintenance times may change or additional maintenance times will be required occasionally and courts will be closed. SPECIAL EVENTS AND CLINIC TIMES WILL BE POSTED AT THE COURTS
Pre-bookings for Clinics and special events will be posted.

NON-RESERVED COURT PLAY: is on a strict first come first serve basis. Court changeover will be on the hour except where a doubles booking produces and open court at the half hour.

**NEWTON CENTRE CLAY TENNIS COURTS
FEE STRUCTURE – 2010**

**SEASON PERMIT RATES
SEASON PERMIT FEES ARE NON-REFUNDABLE**

Resident Adult	\$140.00
Resident Student (under 18)	\$75.00
Non-Resident Adult	\$190.00
Non-Resident Student	\$125.00

HOURLY RATES*

Resident Adult	\$10.00
Resident Student (under 18)	\$7.00
Non-Resident Adult	\$12.00

* Non-permit holders, if courts are available – reservations are not permitted



Setti D. Warren
Mayor

**Newton Parks & Recreation Commission
Meeting Minutes
City Hall, War Memorial, 7:00pm
March 15, 2010**



Robert J. DeRubeis
Interim
Commissioner

Attending: Arthur Magni, *Chairman*, Kathleen Heitman, *Vice Chairman*, Fran Rice, Walter Bernheimer, Peter Johnson, Jack Neville, *Alternate*, Peter Kastner, *Alternate*, Robert DeRubeis, *Interim Commissioner*, Robin McLaughlin, *Secretary*

Absent: Michael Clarke, *Alternate*

Also Attending: Officer Ralph Torres, Animal Control Officer

Meeting called to order at 7:00 p.m.

1. Meeting Minutes from the February 22, 2010 meeting accepted 6-0

2. Commissioner's Reports on Programs, Forestry and Maintenance

- Interim Commissioner DeRubeis reviewed the departments "snapshot" (see Attachment A).
 - Forestry requests are up
 - Attendance is up after the holidays

3. Relay for Life -2nd meeting

- Kate Glynn of the American Cancer Society was in attendance to answer any concerns or questions regarding the Relay for Life event at Forte Park on May 22 & May 23, 2010.
- Abutters of Forte Park were sent notification on February 23 of the Relay for Life event along with an invitation to attend tonight's Commission meeting to ask questions and address any concerns they may have.
- No abutters of Forte Park were in attendance.

Mr. Bernheimer made the motion to allow the Relay for Life event at Forte Park as submitted. Mr. Rice seconded the motion. Motion passed 6-0.

4. St. Mary Carmen Festival – Chuck Proia

5. Off-Leash Area Working Group (OLAWG) – Update

- Interim Commissioner DeRubeis updated the Commission on the groups' progress. At the December 2009 Commission Meeting a motion was made:

Extend Cold Spring Off-Leash Dog Park through March 31, 2010. Interim Commissioner to define a committee to create, analyze, and define specifications of the ordinance for opening additional dog parks. The motion was seconded by Mr. Kastner. The motion passed 5-3.

- January 2010 the OLAWG group was formed including 12 members from various City departments, DOLAC, and citizen representatives. The group established a webpage on the City's web site which includes the minutes from each meeting and the criteria developed by the group. The criteria are used by the group to evaluate green space. Phase 1 is to determine available green space. Phase 2 will determine what is required to make a green space a viable off leash area.
- Interim Commissioner DeRubeis stated he is comfortable the group will come back with recommendations for OLA's at the April Commission meeting. And coming into tonight's vote on Old Cold Spring Park off leash area, the group has met the task assigned to them by the Commission in December 2009.
- Mr. Kastner asked if the Commission will review the criteria being used to evaluate green space. The Commission should review and approve the criteria; it should not be the responsibility of the OLAWG. Interim Commissioner stated the group will accept feedback; the criteria are already posted on the website.
- Mr. Bernheimer stated Mr. Kastner has misunderstood Interim Commissioner DeRubeis. OLAWG is evaluating all green space utilizing the criteria to determine if the space is a viable OLA. The criteria are general, logical and based on what we have learned from the OLA at Old Cold Spring Park.
- Mr. Kastner stated the first thing the group would want to do is to be sure of the criteria. It seems, as the legislative body, the Commission would want to review and approve the criteria. Mr. Kastner stated he has not even seen the criteria. Mr. Bernheimer stated the criteria are on line. Mr. Kastner does not want the criteria to be reviewed as individuals but as a group.
- Chairman Magni stated the Commission will ultimately vote on the off leash areas. Mr. Kastner does not believe a sub-committee should decide on the criteria to be used in the process. Mr. Bernheimer stated the group is not a sub committee; Mr. DeRubeis is the Interim Commissioner of the Parks & Recreation Dept. Mr. Kastner stated the information should be brought before the Commission. The further along the group gets into this process, the harder it will be to reverse any decisions made by the group.
- Chairman Magni requested Mr. Kastner make a motion.

Mr. Kastner made the motion that Interim Commissioner DeRubeis will present the criteria established by OLAWG to the Commission. Mr. Johnson seconded the motion. The motion failed with a vote of 1-2-3.

- Ms. Diane Cotting of Waban St commented she has been involved with the off leash dog park meetings since the beginning and she is dumbfounded the Commission has not approved the criteria being used by the Off Leash Area Working Group.
- Mr. Bernheimer stated this is a silly discussion. The Commission established a process like congress. Congress creates a committee and the committee establishes the criteria and then makes a proposal to congress. The Off Leash Area Working group has been totally transparent there has been nothing subjective; this has been an open and honest process. OLAWG will come back to the Commission with recommendations.
- Mr. Kastner stated the Commission continues to put the responsibility outside the Commission. Mr. Bernheimer stated OLAWG was appointed by the Commission. The group includes Commission members, an Alderman and the Parks & Recreation Interim Commissioner is the group leader. This is has been a terrific process, the group is working well together even with the differences of opinion within the group. There have been many thorny issues discussed by the group, such as; funding, enforcement, rules and regulations for each park, and how this process should be implemented into law. The ordinance will have to be amended. The Off Leash Area Working Group is doing what the Commission, the Cold Spring Park opponents and the dog proponents have requested.
- Interim Commissioner DeRubeis stated the Off Leash Area Working Group has met the task assigned to them.

6. Cold Spring Park - Off Leash Area

▪ The following motion was made by Mr. Bernheimer in December 2009: *Extend Cold Spring Off-Leash Dog Park through March 31, 2010. Interim Commissioner to define a committee to create, analyze, and define specifications of the ordinance for opening additional dog parks. The motion was seconded by Mr. Kastner. The motion passed 5-3.*

- Chairman Magni stated tonight the Commission is required to vote to either extend or close the off leash area (ola) in Old Cold Spring Park (OCSP).
- Mr. Bernheimer inquired when the ordinance expires. Interim Commissioner DeRubeis stated the ordinance expires on June 30, 2010.
- Chairman Magni stated questions and comments from the audience are going to be accepted and asked that the members walk to the podium to ask their questions or make their comments. Personal attacks are not acceptable.
- Newton Resident commended the Commission for the job they have been doing and commented the goal is to have the job done and done well, sometimes additional discussion, may prevent the job from getting done. A lot of residents use Cold Spring Park and enjoy the off leash area. The residents are enforcing the rules and things are improving.
- Resident Lilly Berg stated she walks her dogs in Weston at the Fresh Pond Park. Parks are part of the community. People can find away to co-exist in unfenced off leash area.

- Allan Noguee of 48 Kingston Road stated he is an abutter of Cold Spring Park (CSP) and has spoken at previous meetings. Mr. Noguee and his neighbors are in favor of keeping the Old Colds Spring Park off leash area open. Half of his neighbors own dogs and use the off leash area every day. Old Cold Spring off leash area is the best place for a dog park because it has been a dog park for 25 years. More than 400 people, including his neighbors, have signed a petition submitted to the Commission to keep the area open; this is in contrast to the handful of people that complain about the dog park. CSP should not be jeopardized because the Commission does not believe other parks have been opened fast enough.
- Jeff Stern of Woodcliff Rd commented he uses the off leash area in OSCP occasionally and values the use. The decision before the Commission is short term. To determine the permanent fate of CSP OLA. A lot of work and time has gone into this process. It is an irony if the CSP OLA is closed and there are no dog parks.
- Bob Stock of Beverly Rd stated he is an abutter of CSP. Nobody else experiences the 50-100 cars in a busy season at CSP. He appreciates and agrees having other parks would be great, but the old process is flawed, CSP should be entered into the pool of parks to be evaluated by the new committee based on the criteria they have developed. The neighborhood has been adversely affected.
- Mr. Bernheimer stated the OLAWG is evaluating Old Cold Spring Park and New Cold Spring Park. Mr. Stock stated he believes there is a bias objectivity because it is already open. Mr. Kastner stated he trusts the group would look at CSP objectively.
- Diane Cotting commented she is jealous of Mr. Stock, she wishes CSP was in her neighborhood. Ms. Cotting stated she understands the issues at CSP due to CSP being the only off leash area. Today we are dealing with the three month extension, the group must band together create a timeline and extend CSP for three months with the caveat of other OLA being opened within that time period.
- Mr. Bernheimer stated we want to deal with this the correct way. The Commission cannot make the timeline, it is out of our hands, and this process also involves the Aldermen, the legislative body. The current ordinance would need to be revised.
- Ms. Eve Cohen of Beverley Rd. stated she has lived with this flawed experiment for 17 months and wishes she could paint a picture of what she has gone through. Ms. Cohen is in favor of dog parks, but a flawed experiment was put in place by the Commission with no representation from Ward 6. There is still no representation for Ward 6 on the new committee. The Commission does not care what it is like to live there and are asking us to live with this for another three months. Ms. Cohen does not believe there has been any improvement especially in the last three months, why should they have to live with it. The City has shown disregard, there is no improvement. How has this new process been transparent, the neighborhood still has no voice. The Commission has already made up its mind; the Commission owes the neighborhood an apology, why would a failed experiment remain open.

- Claudia Morris, Resident requested the Commission vote to extend CSP. Good progress has been made, she has been to the OLAWG website, and this is and has been a long process. Closing the OLA at CSP would be a step backwards. The residents need a legal dog park while completing the process.
- Chairman Magni asked if anyone had questions for Animal Control Officer Torres.

Q. Have there been any parking issues?

A. A few people have been parking on Plymouth Rd., but overall there has been improvement.

Q. How can you effectively monitor 65 acres of land?

A. Officer Torres patrols the length of the park on foot. Officer Torres sees violations but the majority of people are in compliance of the law.

Q. Is there an animal control officer on duty on Sundays?

A. No, currently Officer Torres is the only animal control officer; hopefully a second officer will be hired soon.

Mr. Kastner made the motion to extend Cold Spring off Leash Dog Park through June 30, 2010. Mr. Rice seconded the motion.

- Vice Chairman Heitman stated she sees two issues here:
 1. To vote to close or keep the Cold Spring Park off leash area open
 2. Interim Commissioner DeRubeis and the OLAWG project future OLA.
- Vice Chairman Heitman stated CSP OLA was due to close in December 2009 and the Commission deferred to give the OLAWG time to establish criteria and investigate other areas. Specific time was given. From a legal point of view this has not happened, to take a vote with this in place is not feasible, Vice Chairman Heitman cannot vote to keep CSP open.
- Mr. Bernheimer stated there is confusion on the motion he made in December. The Commission did not create a deadline for the OLAWG. Vice Chairman Heitman stated the system will be fine to utilize in the future. Mr. Kastner stated we did not expect to have a timeline, but a checklist or a contingency plan should be reviewed.
- Mr. Johnson stated when Mr. Bernheimer made the December 2009 motion he stated the group would show progress not have something in place.
- The members voted on the motion:

Mr. Kastner made the motion to extend Cold Spring off Leash Dog Park through June 30, 2010. Mr. Rice seconded the motion. Motion failed 3-3.

- Mr. Bernheimer suggested the Commission extend CSP for one month. Interim Commissioner DeRubeis will present progress the progress made by OLAWG.
- Interim Commissioner DeRubeis asked what the expectations are of the Commission for the presentation in April. Mr. Bernheimer stated the Board of Alderman will have to be involved.

Mr. Bernheimer made the motion to extend Cold Spring off Leash Dog for one month pending a report from the Off Leash Area Working Group. Mr. Kastner seconded the motion. Motion passed 4-2.

7. New Business

- Interim Commissioner stated the budget is in process. The Parks & Recreation Department was asked to submit ~\$380K in budget cuts. There has been no confirmation from the Executive Office on the suggested cuts. Interim Commissioner DeRubeis will have another update on the budget at the next Commission meeting.
- Interim Commissioner DeRubeis stated Seniors Director Nancy Scammon has included in tonight's packets, information on the Commission Youth Awards that will take place in May. Ms. Scammon is requesting assistance in locating nominees for the awards.
- Interim Commissioner DeRubeis reminded the members to complete the on-line ethics test by April 1, 2010.
- Vice -Chairman Heitman stated that e-mails are public record. And is requesting the Commission members defer in responding to any public e-mails. Take them in, absorb the information but do not respond. Any response could become a legal issue.

Meeting Adjourned at 8:30 p.m.

Respectfully submitted:

Robin McLaughlin, Secretary

Attachment A

Key Performance Indicators

	Feb-09	Feb-10	Fiscal Y-T-D	Comments
Forestry Requests Received	13	81	989	
Forestry Requests Completed	45	54	958	
Maintenance Requests Received	10	10	166	
Maintenance Requests Completed	10	9	156	
Administration-Calls Received	488	753	5,529	

Financial Indicators

	Feb-09	Feb-10	Fiscal Y-T-D	Comments
REVENUE				
Operating	\$852.00	\$670.00	\$85,074.00	
Revolving				
Classes/Activities	\$56,003.00	\$82,527.00	\$503,767.00	NNHS Indoor recreation & vacation camps
Camps	\$18,025.00	\$47,030.00	\$196,725.00	Camp registrations, clinic (NGBA) Fiscal Y-T-D total corrected- last snapshot total of 451,776.00 included June of FY09.
Arts in the Parks	\$21,263.00	\$17,387.00	\$154,129.00	Children's classes
Senior Citizens	\$4,660.00	\$2,926.00	\$25,989.00	Senior Trips
Landscape Maint	\$25,000.00	\$25,000.00	\$27,608.00	
Tree Ordinance	\$50.00	\$0.00	\$17,030.00	
Revolving Total	\$125,001.00	\$174,870.00	\$925,248.00	

	Feb-09	Feb-10	Fiscal Y-T-D	Comments
EXPENSES				
Operating	\$553,806.00	\$356,083.00	\$3,035,540.00	
Revolving				
Classes/Activities	\$27,801.00	\$110,787.00	\$615,007.00	Tennis court repairs, NNHS Indoor, building leadership, youth (skating) skiing
Camps	\$7,762.00	\$14,412.00	\$398,046.00	Clinic (NGBA)
Arts in the Parks	\$16,267.00	\$16,645.00	\$130,197.00	
Senior Citizens	\$3,412.00	\$519.00	\$21,275.00	Senior trips
Landscape Maint	\$1,060.00	\$0.00	\$14,679.00	
Tree Ordinance	\$0.00	\$0.00	\$16,586.00	
Revolving Total	\$56,302.00	\$142,363.00	\$1,195,790.00	
Emergency				
Snow/Ice Control				
Regular Overtime	\$12,400.00	\$18,718.00	\$56,605.00	
Rental - Vehicles	\$295,229.00	\$96,407.00	\$247,397.00	

Departmental Attendance

		Feb-09			Feb-10			
		Workdays	Days	Manpower	Workdays	Days	Manpower	
2009	2010	19	Missed	Indicator	19	Missed	Indicator	
Administration -	14	13	266	26.00	90.2%	247	15.50	93.7%
Maintenance -	18	18	342	71.50	79.1%	342	80.00	76.6%
Forestry -	2	2	38	1.00	97.4%	38	0.50	98.7%
Total Dept Attendance			646	98.50	84.8%	627	96.00	84.7%

J. Anderson, F. Towle not included

Narrative

General

	<u>2009</u>	<u>2010</u>
Burr Park Vacation Camp	100	98
Emerson Countryside After School	xx	80
Begin layout for field marking, prep ball fields, replace tennis court & basketball nets , paint basket ball backboards		
Kevin Clancy Basketball Tournament- Mark Kelly		

Highlights

Mayor Community Meeting -2-28 at Emerson Community Center - 91 people attending
Mayor Community Meeting - 2-21 at Lower Falls Community Center - 80 people attending
Mayor Community Meeting - 2-28 at Pelligrini Community Center
Women's Twilight Volleyball League finals 3/8/10 & 3/15/10

Coming Events

April Vacation Camps
Marathon (April 19) - Heartbreak Hill Youth Road Race (April 18)
New summer camp programs scheduled the last two weeks of August
Spring Ice Skating lessons
March 21 - Mass Senior Olympics - Lasell College
March 25 - Judy Dore to attend Farmers Market Manager Workshop
April 25- Newton Serves



Relay For Life of Newton/Brookline

The American Cancer Society Relay For Life is a life-changing, fun-filled overnight event that brings together 3.5 million people across the country to raise cancer awareness and funds for cancer research, advocacy efforts, education, and patient service programs. It serves as a celebration for cancer survivors, a memorial for loved ones lost, and a community rally to fight cancer.

Here's how it works: A team captain gets together some of their closest friends, co-workers, family members, etc. and forms a team. Families, businesses, clubs, hospitals, religious organizations, and schools all organize Relay teams. The team members go out and collect contributions prior to the event.

The day of Relay, participants grab their tents and lawn chairs and head to pitch their tents on the field and take turns walking around the track for the duration of the Relay. Relay For Life has a festive atmosphere created by music, food, and camaraderie to celebrate survivors and the teams' successful fundraising efforts.

The first lap at the Relay For Life is dedicated to cancer survivors, who officially start the event by walking the first lap. It's very emotional and hopeful to see so many people who DO survive cancer! Following this lap, survivors are honored with a reception!

In the evening, there is a Luminaria Ceremony. White bags with a candle are placed around the track. Each one is dedicated in honor of a cancer survivor or in memory of someone who has lost the fight with cancer. The candles surround the track and light the way as Relay For Life participants walk throughout the night.

Schedule of Events

Saturday, May 22, 2010

By noon – Tents, tables, chairs, portable toilets (if necessary), and other event materials set up

4 p.m. – Participants arrive and begin to set up campsites

6 p.m. – Opening Ceremony: Speakers and Survivor Lap

6:30 p.m. (approximately) – Survivor Reception

9 p.m. – Luminaria Ceremony

TBD – Fight Back Ceremony

Sunday, May 23, 2010

10 a.m. Closing Ceremony

By noon – Site cleaned up

Questions: Kate Glynn – kate.glynn@cancer.org or 781.314.2670



Setti D. Warren
Mayor

**Newton Parks & Recreation Commission
Meeting Minutes
City Hall, War Memorial, 7:00pm
April 26, 2010**



Robert J. DeRubeis
Interim
Commissioner

Attending: Arthur Magni, *Chairman*, Kathleen Heitman, *Vice Chairman*, Walter Bernheimer, Richard Tucker, Bethel Charkoudian, Donald Fishman, *Alternate*, Jack Neville, *Alternate*, Peter Kastner, *Alternate*, Michael Clarke, *Alternate*, Robert DeRubeis, *Interim Commissioner*, Robin McLaughlin, *Secretary*

Absent: Fran Rice, Peter Johnson

Also Attending: Officer Ralph Torres, Animal Control Officer

Meeting called to order at 7:00 p.m.

Chairman Magni introduced and welcomed the newly appointed Commission members:

Bethel Charkoudian- Ward1 Richard Tucker – Ward 7
Andrew Stern - Ward 6 (not present) Donald Fishman - Alternate

1. Meeting Minutes from the March 15, 2010 meeting accepted 8-0

2. Commissioner's Reports on Programs, Forestry and Maintenance

- Interim Commissioner DeRubeis reviewed the departments "snapshot" (see Attachment).
- Newton Serves – Sunday, April 25 was a success. There were 45 projects run throughout the city.

3. Off-Leash Area Working Group (OLAWG) – Presentation

- Interim Commissioner DeRubeis presented the Off Leash Area Working Group (OLAWG) presentation. The presentation will be posted on-line: <http://www.ci.newton.ma.us/Parks/DogInformation/index.htm>
- Interim Commissioner DeRubeis reviewed how OLAWG was created by the Commission and listed the members of OLAWG:
 - Robert J. DeRubeis, Interim Parks & Recreation Commissioner
 - Susan Albright, Alderman
 - Walter Bernheimer, Parks & Recreation Commission
 - Ann Dorfman, Citizen Representative
 - Candace Havens. Interim Planning Director
 - Amy Koel, DOLAC Chairman
 - Ted Kuklinski, Citizen Representative
 - Lee McIntyre, Citizen Representative
 - Francis Rice, Parks & Recreation Commission

- Carol Schein, Parks & Recreation Open Space Coordinator
 - Carol Stapleton, Recreation Manager
 - Officer Ralph Torres, Animal Control Officer
- The presentation included a summary of OLAWG's progress to date:
 - Transparency: established OLAWG web page on City Website to post information:
<http://www.ci.newton.ma.us/Parks/DogInformation/index.htm>
 - OLAWG Meetings - weekly in Room 222 at City Hall at 9:00 a.m.
 - Posted Dog Owner Survey on web page
 - Developed process:
 - Phase 1- Determine potential green space areas for use as off leash recreation areas.
 - Phase 2 – Determine what is required to make the green space area viable as an off leash recreation area
 - Established 13 criteria to evaluate green space areas (based on national standards)
 - Identified 76 green space areas throughout the city
 - Using the criteria, 34 green space areas eliminated from the initial site evaluations
 - Group members conducted site visits of the 42 remaining green space areas using the criteria
 - Recommending 24 green space areas for Phase 2 review
 - Interim Commissioner DeRubeis then presented the 24 Phase 1 green space areas. The group has determined these 24 green space areas may be viable as off leash areas. Interim Commissioner DeRubeis stated these 24 green space areas will be evaluated in Phase 2 before any areas are presented to the Commission. The group will then present 3-4 areas to the Commission in May. The Commission will have community meetings for each area and may have to schedule special meetings for each area.
 - A member in the audience who identified herself a Planner for another municipality stated the process takes a certain amount of time and presenting 3 areas in May is a lot of work and inquired if it was possible.
 - Interim Commissioner DeRubeis stated the group will review the 24 areas and present 3-4 of the sites in May. The Community meetings would be held in June. The group will look at areas that are ready to open as is, with no expenses, such as fencing.
 - Mr. Kastner suggested scheduling special meetings for June and July. Chairman Magni stated we can discuss that at the next meeting.

4. Cold Spring Park - Off Leash Area

- Chairman Magni stated tonight is the vote to extend or cancel the use of the off leash area in Old Cold Spring Park.
- Mr. Bernheimer stated it makes no sense closing the off leash area (OLA) in Old Cold Spring Park (OCSP) with the progress that is being made. Three to four sites could open once the ordinance is revised. Mr. Bernheimer is not sure of the Aldermen's timeline regarding the ordinance, but it makes

no sense to close the OCSP off leash area when three or four sites may be opening July 1.

Mr. Bernheimer made the motion to keep Old Cold Spring Park off leash area operational as an existing, legal off leash area under the original ordinance until June 30, 2010 when the original ordinance expires. Mr. Tucker seconded the motion.

- Chairman Magni stated the Commission will take comments from the audience before a vote is taken. Please keep comments brief and respectful.
- Mr. Bob Stock of Beverly Road stated there are four things he would like to address:
 1. Linkage between the Off Leash Area Working Group and keeping Cold Spring Park open.
 2. The new criteria
 3. The potential sites
 4. Accountability
- Mr. Stock stated at the March 19 OLAWG meeting Amy Koel commented that at the December 2009 Commission meeting the P & R Commission linked the success of the OLAWG with keeping Cold Spring Park open and Mr. Bernheimer agreed with Ms. Koel. Mr. Stock stated he has read and re-read those notes and he does not see the link except in Mr. Bernheimer's motion to extend Cold Spring Park off leash area for three months. One issue is to assess if OCSP should be kept open with the same problems while evaluating other areas. Another issue is a working committee trying to establish a process for off leash areas in Newton. Mr. Stock sees no connection. Mr. Bernheimer has said he has changed his mind about OCSP being a failure, but nothing has changed it has the same problems. Again he links the progress of the group with OCSP remaining open. The neighborhood is being held hostage.
- Mr. Stock commented OLAWG has identified criteria for off leash areas. Almost every criteria begins with "due consideration given to..." Mr. Stock does not know the meaning of this statement and the statement leaves the criteria vague and open for different interpretation on a case by case basis. Mr. Stock appreciates the work the OLAWG is doing. Mr. Stock stated, in a previous e-mail Mr. Bernheimer has wrote specification requirements are needed, Mr. Stock does not consider these criteria as specifications, specifications would be things like a fence or hours required. There is no instruction on how to address problems. The criteria require more definition.
- Mr. Stock commented it has taken 4 months for OLAWG to identify additional sites and by the time the group follows the process and has other parks opened it could be up to nine months. The process for establishing other OLA in other Newton communities should be applied to the Old Cold Spring Park community.
- Mr. Stock commented dog parks in Newton are a good idea. It is not a good idea for just one Dog Park in Newton.
- Mr. Stock requested the new Commission members refrain from voting on the CSP extension, they are new to the Commission and the issue. If the

new members vote, then unfortunately the lack of transparency and integrity that has permeated this process over the last 18 months will continue.

- Mr. Stock commented he finds the timing of these new commission appointments by the Mayor ironic, it does not seem very transparent and transparency is his calling card. It is finally time to do the right thing; define a program for dog parks in this city, create standards and evaluate each area using these standards and include CSP in this evaluation. Until this happens it is not right to keep Old Cold Spring Park open.
- Mr. Lee McIntyre of 607 Commonwealth Ave commented over the past year since the legal off leash area has been opened there have been no major incidents, it would be a good idea to have Animal Control Officer Torres comment on the off leash area tonight. All the dire predictions that were predicted when the off leash area was made legal have failed to come to pass, in fact it works as it always has worked because it has been a defacto off leash area for 25 years. It has not been overrun with visitors, the parking issues on Beverly Rd and Duncklee St has dissipated, the field remains clean. To close the park now does not make sense. We are on the cusp, as we have seen tonight new off leash areas are being presented. The Mayor is not just in favor of opening other off leash areas throughout the City but also in keeping Old Cold Spring Park open. The City is making good progress in opening new areas and that was a criteria proposed at the last meeting as a condition in keeping Old Cold Spring Park open and the City has met this criteria. The only thing that would be accomplished by closing Old Cold Spring Park tonight would be confusion. The City would be going backwards by not having any legal off leash areas in Newton. We are close to opening new off leash areas and this is what the neighbors of Old Cold Spring Park have been requesting. Please do not close Old Cold Spring off leash area.
- Ms. Lynn Lieberman of Brewster Rd commented there have been dogs off leash in Cold Spring Park for over 20 years. Ms. Lieberman takes her dogs there sometimes twice a day every day. Since the off leash area has been legal she has been there every day and yes the park is different now, the park is cleaner, the off leash dog owners who use the park believe so strongly in this park the users "police" each other and watch out for each others dogs. If the off leash area were to close there would be mass confusion and people will not stop going to the park. Ms. Lieberman loves the off leash area and the City needs the legal off leash area.
- Ms. Alla Mantsur of Jaconnet Rd commented another change is the parking restrictions on Beverly and Duncklee St. The parking issues on these streets have been less; she has been around these streets and has not seen cars or buses on the access road. And this is because of the legal off leash areas. Ms. Mantsur is a teacher and using an education comparison, before only wealthy people could attend private schools, now middle class and low income people have access to private schools. More people have access to better life. Change is hard for some people and giving access to "jewels" of Newton is difficult for some neighbors but this access allows everyone for a chance at a better quality of life. Please do not close Old Cold Spring Park.

- Mr. Rick Dyer of Terrace Ave commented the problem at Cold Spring Park is the off leash dogs on the 18 station exertrail. The trail is also used by the track team. Last year the track team sent bikes ahead to clear the trail for the team. The off leash area has created more dogs on the trail; there were dogs before it was legal but it is different now. This has discouraged runners from running in the park. Parking is still an issue; there is no access to this park.
- June Goodman of Woodward St. commented she takes her dog to Old Cold Spring Park, her dog is not doing well and will not benefit from the use of Old Cold Spring Park. Ms. Goodman stated she is here to support the other dog owners who use the off leash area. If other communities can have off leash areas, Newton can too.
- Kim Vanamen commented she has taken her dog to Old Cold Spring Park off leash area and has used the Braceland Park. Ms. Vanamen stated because the off leash area was made legal it brought up issues that needed to be addressed, it opened a dialogue and the issues are being addressed. Ms. Vanamen would be sorry to see Old Cold Spring Park close. Other areas should be opened to minimize the burden on Old Cold Spring Park.
- Chairman Magni requested Officer Ralph Torres give a report on the off leash area at Old Cold Spring Park. Officer Torres stated he takes all complaints seriously. Since March 15th 2010 the weather has been good. Compliance has been good, the park is clean. Officer Torres stated overall he has seen steady improvement in the off leash area at Old Cold Spring Park. Chairman Magni asked for questions of Officer Torres.
 - Q. Has Officer Torres noticed a decrease in dog aggression since the park was made into a legal off leash area?
 - A. There have been no issues in Cold Spring Park
 - Q. Has aggression decreased throughout the city?
 - A. Officer Torres responded he believes aggression has decreased.
- Chairman Magni asked for final comments from the Commission Members.
- Mr. Kastner stated the motion should be amended to read the hours may be set in the off leash area at the discretion of the P & R Commissioner. And dogs off leash on the trail should be illegal and the number of dogs allowed may be limited by the P & R Commissioner. Mr. Bernheimer stated there is already a rule limiting the number of dogs per person and dogs off leash on the trails is already illegal, but he sees no problem with allowing the commissioner the discretion to set hours as required.
- Mr. Fishman stated clarity of the motion is good. There motion is for two months; we should proceed with the motion as seconded. No harm will come in the two months.

Mr. Bernheimer made the motion to keep Old Cold Spring Park off leash area operational as an existing, legal off leash area under the original ordinance until June 30, 2010 when the original ordinance expires. Mr. Tucker seconded the motion.

Mr. Kastner amended the motion to include the P & R Commissioner has authority to restrict hours in the off leash area as required. Mr. Tucker seconded the motion.

The motion and amendment passed with a vote of 7-1

5. St. Mary Carmen Festival – 2nd Meeting

- Mr. Chuck Proia the festival chairman gave an overview of the festival. The dates of the festival are July 14 through July 18, 2010. Mr. Proia stated there are no changes to the festival from last year. This is the 75th year of the festival and the Cardinal will be part of the festival. Mr. Proia introduced Mr. John Flynn, the Manager/Owner of Fiesta Shows and asked if the Commission had any questions for Mr. Flynn.
- Ms. Heitman stated the festival is a wonderful event for everyone and thanked all involved with the festival.
- Interim Commissioner DeRubeis commented that since Mr. Flynn has taken over management of the festival six years ago, the festival has run smoothly, the quality of the rides is good and his workmanship in handling the group is excellent.
- An abutter of Pelligrini playground stated he has faith in Mr. Proia. Each year the issues, such as noise, at the festival have improved.
- No other abutters were present or had any comments.

Ms. Heitman made the motion to approve the St. Mary of Carmen Festival as submitted. Mr. Clarke seconded the motion. The motion passed 8-0.

6. Nahanton Park – Farm Proposal

- Peter J. Barrer, Board President, Newton Community Farm, Inc. stated Angino Farm has an overflow of interest but is limited by space Mr. Barrer has submitted a proposal (attached) for the Newton Community Farm (NCF) to partner with Newton Parks and Recreation to expand programming and usage of Nahanton Park.
- Mr. Barrer stated they are aware of the concerns of the birding community, the Friends of Nahanton Park and the Newton Conservators. The area is being lost to the forest. Farm land is better for the birds; farmed land gives the birds places to hide.
- Mr. Barrer is proposing 4 possible areas. The first is the "Lower Brush Area" (#1). Ms. Heitman asked if this was off Winchester Street. Mr. Barrer replied no. Chairman Magni asked if this area Parks & Recreation Land. Interim Commissioner DeRubeis stated yes. The second area is the "Overgrown Community Garden Area" (#2), the third is the meadow of "mowed area" (#3), and the fourth area is a wooded area (?). The soil in the meadow would have to be tested to be made farmable.
- Mr. Bernheimer asked if site #3 is across from the proposed off leash area. Interim Commissioner stated yes and site #3 is a snow dump.
- Mr. Kastner asked if there was interest in farming up hill. Interim Commissioner DeRubeis stated site #1 was where the group looked at during a site visit with Mr. Barrer. This is a scrub area that would have to be cleaned up and trees would have to be taken down. Site #3 was a proposed as an off leash area and there was considerable objection from the birders. The birders did not want the meadow disturbed.
- Mr. Bernheimer asked if the Community Gardens usage has declined. Interim Commissioner DeRubeis stated yes, site #2 is unused.

- Mr. Tucker inquired about the area marked with a (?). Mr. Barrer stated this area has large, evasive trees that would be expensive to remove. Mr. Kastner stated this area is currently used as an illegal dump site. If the area is being used maybe people will be discouraged from using the site as an illegal dump.
- Interim Commissioner DeRubeis stated the Tree Warden checked the area and was not concerned with trees being taken down in area #1.
- Interim Commissioner DeRubeis area #2 is the existing gardens, the fee details would have to be worked out otherwise the farm could use the area right away. But the other three areas would require public meetings.
- Mr. Barrer stated the cost to restore the soil will be between \$15,000.00 and \$20,000.00 dollars. Angino Farm could pay for water use but could not afford to pay a fee to use the land. Mr. Bernheimer asked if there could be any co-ventures or in-kind service in place of fees. Mr. Barrer stated yes, educational programs could be provided.
- Mr. Clarke inquired what type of legal agreement would be required, would it be a lease agreement. Mr. Barrer stated Angino Farms has a License Agreement to use the land; the same type of agreement could be used for Nahanton Park.
- Ms. Charkoudian inquired if the farm requires two of the 4 sites. Mr. Clarke stated site #3 is the unused community gardens and are available to the public. A resident in the audience stated he heard there was a waiting list for the unused community gardens. Interim Commissioner DeRubeis stated he will check with Ms. Dore the Recreation Manager in charge of the gardens.
- Mr. Barrer stated Newton Community Farm, Inc. would require a long term commitment; they would be using private donations to prepare and maintain the areas for farming.

Mr. Tucker made the motion to move the proposal to a public meeting. Mr. Clarke seconded the motion. Motion passed 8-0.

7. Taiwan Garden- Hyde Community Centre Playground

- Ward 5 Alderman John Rice and Jack Wang of the Taipei Economic Culture Center of Boston presented a proposal (attached) for a Taiwan Garden at the Hyde Community Center. Alderman Rice commented the process began with Carol Schein, the Open Space Coordinator, in the Parks & Recreation Department. The proposal is to design a garden located adjacent to the former Hyde School in the Hyde Playground on Lincoln Street, this garden will be dedicated to the Hyde Community Center and Taipei Economic Culture office in Boston (located at 90 Lincoln Street Newton Highlands). Creation of an authentic Chinese garden is to be effected by use of plant material indigenous to China and the embellishment of the plantings with architectural elements singularly Chinese.
- Alderman Rice stated the group would like this garden to be the center point for the Newton Highlands. The community has invested approximately \$4-\$5 thousand dollars on this project to date.

- Alderman Rice is requesting permission to move the fence back 20 feet from the street. Alderman Rice has spoken with representatives from Newton South Little League and they have no issues with the fence being moved.
- Mr. Clarke asked if there will be benches on the street side of the fence. Alderman Rice stated yes, there is currently one bench and the group would like three more.
- Mr. Clarke asked if the plants selected are non invasive. Alderman Rice stated yes and there will be a team to maintain the project.
- Mr. Kastner inquired why a Taiwan Garden. Alderman Rice stated the Hyde Community Center has a 60 year lease with the City and the office has been subleased to the Taiwan Cultural Office. The Taiwan Cultural Office would like to give back to Newton. Mr. Kastner stated the group should check with the Chinese exchange program. A guest from Taiwan saw a flag from Taiwan hanging in the schools and became very upset.
- Ms. Charkoudian inquired if bamboo was going to be planted. Alderman Rice stated no, but there will be rock formations and bushes planted along the fence line for privacy.
- Ms. Charkoudian commented the proposal states there will be no roots penetrating below five feet in depth. Ms. Charkoudian inquired why this statement would be included if it was not a concern. Alderman Rice stated Rich Abrams who is assisting with the proposal knows what should be noted in a report. Ms. Charkoudian asked if this was noted because the plants will become invasive. Alderman Rice stated Mr. Abrams has done his research. Ms. Charkoudian asked how Mr. Abrams will prevent the roots from growing past the 5 foot depth. Alderman Rice commented they could come up with a plan. Ms. Charkoudian stated she would like to see a report.
- Chairman Magni requested Alderman Rice bring Mr. Abrams to the second meeting.
- Mr. Tucker inquired if the proposal includes maintenance. Alderman Rice stated yes. Mr. Bernheimer requested to see the maintenance plan in writing. Alderman Rice agreed to provide a written maintenance plan.

Mr. Bernheimer made the motion to move the proposal to a public meeting. Mr. Fishman seconded the motion. Motion passed 8-0.

8. Mike Pinta- NELL – Jay Gordon Field

- Mr. Pinta stated he is the general counsel for Newton East Little League (NELL). This past weekend NELL held the opening day parade and Mayor Warren threw out the first pitch.
- Mr. Pinta stated he is requesting permission from the Commission to make improvements to the little league bench area at Jay Gordon Field. Each year the water puddles under the benches and is getting worse. NELL has added bluestone to build up the area, but the blue stone is not working.
- NELL would like to hire Tom Forte to fix the problem and is requesting permission to add concrete slabs and new benches in the area. First a layer of crushed stone would be added to the area then the concrete

- would be poured at an angle so the water will run off the back end of the concrete slab. The new benches would be cemented into the concrete.
- Chairman Magni asked if the concrete slab would create a tripping hazard. Mr. Pinta stated no, the area would be filled. Interim Commissioner DeRubeis stated Mike Baldi in the Engineering Department recommended feathering the edges of the concrete slab to the grass line.
 - Mr. Pinta stated NELL would be paying for the concrete slabs and benches.
 - Mr. Kastner inquired if additional fencing would be required. Mr. Pinta stated no. The National Little League Association has ruled that it is unsafe to have an on deck circle; when the on deck area was removed the fence area was reduced.
 - Mr. Clarke inquired if the slab goes in front of the dugout. Mr. Pinta stated there is no structure. Interim Commissioner DeRubeis stated there is no dugout structure, there is only fencing.
 - Mr. Bernheimer stated this is a field and may not always be used as a little league field. An agreement should be made with NELL stating NELL will remove the concrete slabs and restore the field to it's original condition if they are no longer using the little league field.
 - Mr. Clarke agreed with Mr. Bernheimer and asked why bluestone has not been tried to stop the build up of water. Mr. Pinta stated NELL has tried blue stone and it does not work. They have checked into drains, but the blue stone would clog the drains.
 - Ms. Charkoudian asked if NELL researched portable/removable decking. Mr. Pinta asked where the water would drain from on the portable decking. Ms. Charkoudian stated the water would drain the same way as the concrete pads.
 - Mr. Pinta stated NELL maintains the field and could agree to remove the concrete slabs in the future.
 - Mr. Clarke stated he would like to see other options. Mr. Pinta stated NELL is just trying to make the area more usable.
 - Mr. Bernheimer asked when the concrete pads would be completed if approved. Mr. Pinta stated if the proposal is approved at the May 17 Commission meeting, the work would be completed in June.

Mr. Kastner made the motion to move the NELL proposal to a public hearing.

Mr. Fishman seconded the Motion.

Ms. Charkoudian amended the motion to include non-concrete suggestions be presented at the public hearing. Mr. Clarke seconded the motion

The motion passed 4-2-1. (Mr. Tucker left the meeting)

9. Crystal Lake & Gath Pool Swim Fees

- Fees Submitted:

Crystal Lake

Opens- Monday - June 14, 3 PM

Closes Sunday - to be determined

Gath Pool

Opens- Monday - June 14, 3 PM

Closes Labor Day - Monday - September 6, 2010 5PM

Summer Swim Permit:

Permits are issued to RESIDENTS ONLY for the summer season.

Fees are nonrefundable.

Adults (18 years of age and older) cost \$45.00 for the season

Students are considered (any person age 6 through 18 years of age) \$20.00 per person.

Seniors (age 62 and over) \$20.00 per person

Resident Adult Daily fee \$6.00

Resident Student Daily Fee: \$4.00

Resident Senior Daily: \$4.00

Non-Resident Daily Fee \$10.00 each.

Residents with financial hardship may apply to the Commissioner of Parks and Recreation for a scholarship/fee waiver.

Summer swim permits are valid at both Crystal Lake and Gath Pool

- Mr. Bernheimer asked if the fees were the same as last year. Interim Commissioner DeRubeis stated yes and this will be addressed in the budget update.
- Interim Commissioner DeRubeis referenced the P & R Budget book included in the Commission member packets. The back page of the budget book lists the proposed 2011 budget cuts presented to the Mayor and the Board of Alderman. The cuts are approximately \$367K dollars.
- Mr. Bernheimer stated one of the cuts was to seasonal wages. How do the swim areas remain open with a reduction in seasonal wages?
- Interim Commissioner DeRubeis stated the department is pulling together to get things done. Two positions have been cut. There have been no cuts to service. Fees will be re-evaluated next year.

Mr. Bernheimer made the motion to accept the swim fees as submitted. Mr. Fishman seconded the motion. The motion passed 7-0.

Meeting Adjourned at 9:29 pm

Respectfully submitted,

Robin McLaughlin, Secretary



Financial Indicators

	Mar-09	FY09- Y-T-D	Mar-10	FY10 Y-T-D	Comments
REVENUE					
Operating	\$2,862.00	\$69,422.00	\$1,802.00	\$86,876.00	
Revolving					
Classes/Activities	\$73,691.00	\$503,834.00	\$73,773.00	\$577,540.00	
Camps	\$41,954.00	\$214,449.00	\$38,570.00	\$235,295.00	
Arts in the Parks	\$20,359.00	\$157,712.00	\$5,256.00	\$159,385.00	
Senior Citizens	\$7,505.00	\$42,132.00	\$6,960.00	\$32,949.00	
Landscape Maint.	\$1,060.00	\$2,120.00	\$3,805.00	\$31,413.00	
Tree Ordinance	\$200.00	\$74,430.00	\$650.00	\$17,680.00	
Revolving Total	\$144,769.00	\$994,677.00	\$129,014.00	\$1,054,262.00	

	Mar-09	FY09- Y-T-D	Mar-10	FY10 Y-T-D	Comments
EXPENSES					
Operating	\$377,839.00	\$3,453,473.00	\$399,843.00	\$3,435,383.00	
Revolving					
Classes/Activities	\$43,266.00	\$426,776.00	\$100,720.00	\$715,727.00	
Camps	\$9,499.00	\$374,669.00	\$18,843.00	\$416,889.00	
Arts in the Parks	\$18,249.00	\$170,418.00	\$10,342.00	\$140,539.00	
Senior Citizens	\$4,202.00	\$32,808.00	\$4,975.00	\$26,250.00	
Landscape Maint	\$0.00	\$27,275.00	\$0.00	\$14,679.00	
Tree Ordinance	\$10,800.00	\$74,940.00	\$12,381.00	\$28,967.00	
Revolving Total	\$86,016.00	\$1,106,886.00	\$147,261.00	\$1,343,051.00	
Emergency					
Snow/Ice Control					
Regular Overtime	\$ 8,963.00	\$ 62,350.00	\$ 1,043.00	\$ 57,648.00	
Rental - Vehicles	\$ 70,339.00	\$ 568,286.00	\$ 92,922.00	\$ 340,319.00	



Key Performance Indicators

	Mar-09	FY09- Y-T-D	Mar-10	FY10 Y-T-D	Comments
Forestry Requests Received	57	872	119	1108	
Forestry Requests Completed	24	843	94	1052	
Maintenance Requests Received	0	0	11	50	
Maintenance Requests Completed	0	0	10	45	
Maintenance Schooliude Received	18	206	24	176	
Maintenance Schooliude Completed	17	203	22	168	
Administration-Calls Received	267	1625	939	6,468	FY09 Y-T-D includes Dec, Jan, Feb, March only

Departmental Attendance

	Mar-09			Mar-10			Comments
	Workdays	Days Missed	Manpower Indicator	Workdays	Days Missed	Manpower Indicator	
2009	22	34.00	89.0%	23	12.50	95.8%	
Administration - 14	308	63.00	84.1%	299	71.00	82.9%	
Maintenance - 18	396	2.50	94.3%	414	2.00	95.7%	
Forestry - 2	44	99.50	86.7%	46	85.50	88.7%	
Total Dept Attendance	748			759			

Narrative

March 14 - Staff interview day

Interviewed over 45 seasonal employees for summer camp positions

April Events

- April 19 - Boston Marathon
- April 25 - Newton Serves
- Springfest in Waban
- Irrigation Start -ups
- Turf Work begins, field marking on-going, ball field prep on-going
- April Vacation Camps
- Inclusive vacation camp for kids with and with out disabilities
- Newton Special Athletes visited Patriot's Place
- April 20 & 21 - Family Movie Days and Night at the West Newton Cinema (approximately 350 people per event)

May Highlights- Upcoming...

- Newton Special Athletes Awards Ceremony - May 5th Post 440 (7-10pm)
- Tennis, Golf & Rowing Starting
- New Tandem Biking Program starting this month
- Special Olympic Swim Meet (May 2), Track Meet (May 16)

**Proposal for Involvement of Newton Community Farm in Nahanton Park
April 26, 2010**

Parks and Recreation Commission, City of Newton

Peter J. Barrer, Board President, Newton Community Farm, Inc. (617-630-0923)

Proposal Summary

Newton Community Farm (NCF) proposes to partner with Newton Parks and Recreation to expand programming and usage of Nahanton Park. Key features of the partnership would include designation of limited areas for farming and related education/volunteer/recreation uses, long term agreement, investment by NCF to prepare land for farming, creation and maintenance of birding habitat, and payment for use of city water.

NCF requests that the Newton Parks and Recreation Commission find that such a partnership, as generally outlined in this proposal, is in the best interests of the City and Nahanton Park. NCF asks that the Commission guide City staff in the broad details of how it wishes the partnership be established, and direct City staff to work with NCF to reach a mutually acceptable agreement.

Introduction

Newton Community Farm, Inc. (NCF), which operates Newton Angino Community Farm, a City owned property, for the benefit of the Newton community, is now seeking off-site locations to facilitate planning for future farm needs.

We believe that a potential partnership with Parks and Recreation using portions of Nahanton Park will assist Parks and Recreation's accomplishment of its goals to expand public/private partnerships, continue development of new and innovative programs, and build a rich cultural life in Newton.

We believe that such a partnership can be formulated in a way that is practical and financially viable for NCF. If the city is interested, NCF would like to open discussions about such a partnership at Nahanton Park while NCF works out the practical considerations.

We are specifically interested in exploring the potential to use spaces totaling between 0.5 and 1 acre for expanding our farm operation, educational, and volunteer programming. Nahanton Park is ideally suited to this purpose as it is currently underutilized and is less than a mile from the farm's site. This close proximity would allow staff, volunteers, and students to walk between the two locations. If approval by the City could be obtained in 2010, we could begin preliminary cultivation activities this growing season.

Purpose

Parks and Recreation's mission is to provide traditional and innovative recreation, leisure and cultural activities in a quality environment for all residents of Newton. NCF's mandate is to educate the Newton community about the importance of local, sustainably grown food. The proposed use of part of Nahanton Park provides an opportunity for both organizations to expand their activities and effectiveness.

Paralleling Parks and Recreation's activities, NCF pursues its mission through classes, hands-on work experiences, and by making the produce we grow available to the community through a

variety of markets. An example of what we do is the Farmer-in-Training (FiT) program. This program works with middle school students primarily, but not exclusively, from Newton. During one-week sessions students learn firsthand how to grow organic vegetables. In addition, they learn about the role of fresh produce in a healthy diet, harvesting and preparing vegetables as part of their daily lunch. Finally, through discussions, activities and contributions of the produce they grow to the Newton Food Pantry, the students examine issues of social justice and food security. Much of the produce these students grow is grown in four garden plots in Nahanton Park's "upper garden."

Permitting NCF to use additional land in Nahanton Park would enable Parks and Recreation to offer residents of Newton more opportunities to enjoy the space in a variety of ways. Allocating the land to farming would accommodate growing interest in NCF educational programs (like the FiT program), as well as our community volunteer days. Three days a week we are open to anyone who would like to come and work with us, learning firsthand about growing food. We have high school students coming to do their community service hours; college students who are interested in sustainability; parents who bring their young children because they want them to learn that carrots come from the ground not a plastic bag. Expanded farming use at Nahanton Park would make meaningful the incredible amount of interest in these community work days; NCF has been limited in this regard by our small acreage at Angino Farm. NCF programming might open other opportunities for youth engagement at Nahanton Park, such as forestry or trail maintenance.

Encouraging home gardening is another activity that aligns Parks and Recreation's mission in providing cultural, recreational and leisure activities, and NCF's goal to demonstrate food sustainability. Use of this second growing site would allow NCF better crop rotation, increasing the sustainability of our agricultural effort and its usefulness as a model for Newton home gardeners.

Benefits to the Park and to the City

The presence of NCF volunteers and farm workers will have a positive impact on the social environment of Nahanton Park. NCF already has strong relationships with many of the gardeners in the community garden plots, who buy seedlings from the farm and come to ask for advice. The community garden plots unfortunately have had some problems in the past with, among other things, theft. The increased people presence (volunteers and farm staff) that would accompany NCF's activities in the park would, in the opinion of Judy Dore (Parks and Rec) and Duane Hillis (President, Friends of Nahanton Park) help make it a more secure area for all. In addition, NCF has a strong record of maintaining its field not only as a productive agricultural site, but also as a very beautiful one. Our methods of growing show an attention to detail and reflect an aesthetic sensibility. Our presence in Nahanton Park would add to the beauty of this open space.

Farming in Nahanton Park would allow NCF to increase the educational programming and volunteer opportunities we provide to the Newton community. The increased production would also make more fresh, sustainably-grown produce available to residents.

Areas of Interest

There are three locations in the Park that are of interest. These include the "lower brush area" next to the "lower" community gardens, and the "mowed area" located between the two community garden sites. We have also been encouraged by Friends of Nahanton Park and Newton Conservators to consider the "overgrown community garden area" nearby. The

accompanying map shows the locations of the sites. There is also some interest in a fourth area nearby that has more mature trees and brush and would be more costly to prepare for farming.

Land Preparation

The effort to convert non-cultivated land to cultivated land will require from one to three years after clearing. Land preparation is expected to cost NCF in the range of \$15,000 to \$20,000.

In the case of the *Mowed Area*, soil would be plowed and seeded with a cover crop such as clover or other nitrogen-fixing crop. The area would be left in a cover crop for several seasons in order to increase the soil organic matter, loosen the subsoil, and add nitrogen. The "meadow" would be cultivated for vegetable production once the soil is of acceptable quality; probably between two and three years. NCF has conducted initial soil tests on the area and has found it generally suitable for growing crops, but in need of improvement.

The *Lower Brush Area* will require a greater effort to prepare since it is currently partially covered with early succession brush, shrubs and small trees; this once clear space has been allowed to start reverting back to forest. The land would have to be cleared, stumps removed, and a cover crop planted. Much of the clearing might be done by community volunteers and through NewtonServes. Preparing the soil for agricultural production would take a minimum of two years after the land has been cleared. NCF has not yet tested the soil here.

The "*Overgrown Community Garden Area*" will need brush and small trees removed but may be ready for farming after a year of preparation. NCF has not yet tested the soil, but we expect it to be in better shape than the other areas being considered.

To encourage continued wildlife activity we would like to place habitat plantings in part of the designated areas, with the support and advice of the Newton birding community. Such plantings, if carefully designed, might reduce the need for fencing to keep out humans and animals that are detrimental to crops.

Impacts on the Environment

The proposed use will add a pastoral quality to the Park and would increase its beauty as currently some of the proposed area is overgrown and littered with debris.

Clearing the land adjacent to the "lower" gardens would change its current aspect of early succession forest. The land would be restored to what it was like perhaps as little as 15 years ago. Much of this land was actively farmed in the first half 20th century when this was the site of the City's "poor" farm.

Changing the use of a portion of Nahanton Park may have other environmental impacts. In one case, farming the "mowed area" will increase the attractiveness to birds. We propose to work closely with organizations like Newton Conservators and Friends of Nahanton Park, to ensure that the change is congruent with other uses of the park. NCF has strong relationships with both organizations, and a history of working with them. Although neither organization has had a formal vote, the leadership of both organizations have indicated general support of a proposal to have NCF farm in Nahanton Park.

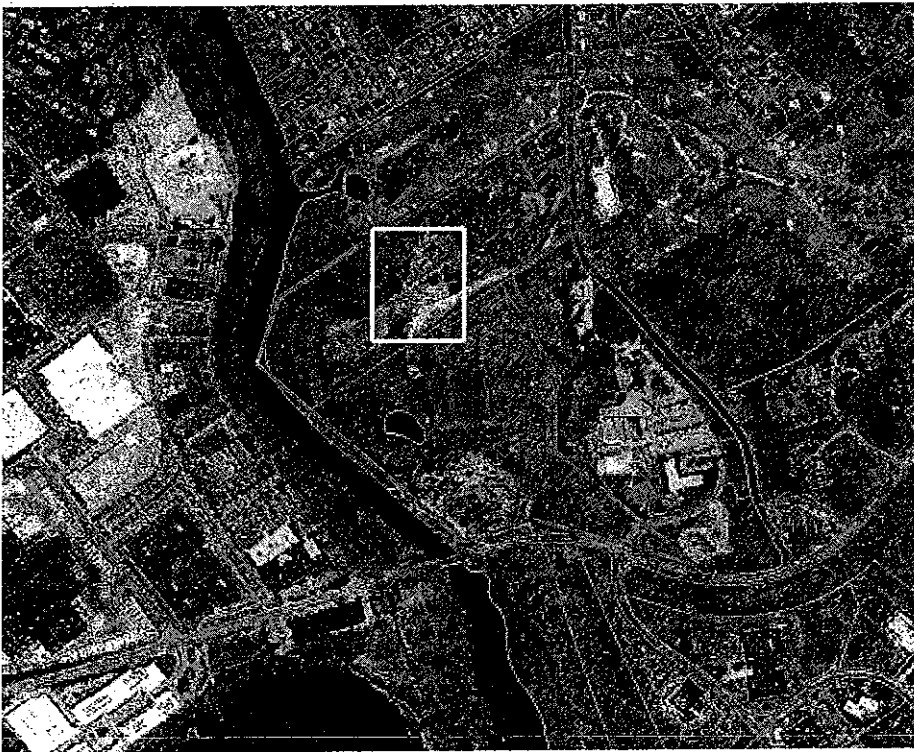
Friends of Nahanton Park held a valuable information/discussion session on April 18 to learn how other stakeholders and the neighborhood view this proposal.

Partnership Details

If Parks and Recreation sees the mutual benefit of partnering with Newton Community Farm, we will need to come to agreement on activities programming, defining the space and planned changes, how to bear the costs of making the changes, fencing to protect crops, how many years the land will be committed initially to agricultural use, possible renewal arrangements, modification of snow-dumping use of the "Mowed Area" and other issues that will arise. NCF would use city water for irrigation and will pay for its cost. NCF expects to direct net income from additional produce sales from Nahanton Park land towards funding Educational and Community Outreach programming, in a manner consistent with Parks and Recreation goals. Our preliminary budget analysis indicates there will be very little net income from the Nahanton Park sites, so that NCF cannot afford significant rent commitments.

Conclusion

NCF's proposed use of land in Nahanton Park would have significant positive impacts on both the park itself and the broader Newton community. NCF's engagement at Nahanton Park is supported by members of the Parks and Recreation staff, the Friends of Nahanton Park, and many of the gardeners who utilize the community garden plots. Over the past five years NCF has demonstrated its ability to manage City property effectively, making Newton Angino Community Farm a treasure for all of Newton. We would very much like to work with The Parks and Recreation Commission and other stake holders to make this proposal a success.



Key plan of possible farming areas. See separate detail.

Taiwan Garden at Hyde Playground Newton Highlands MA

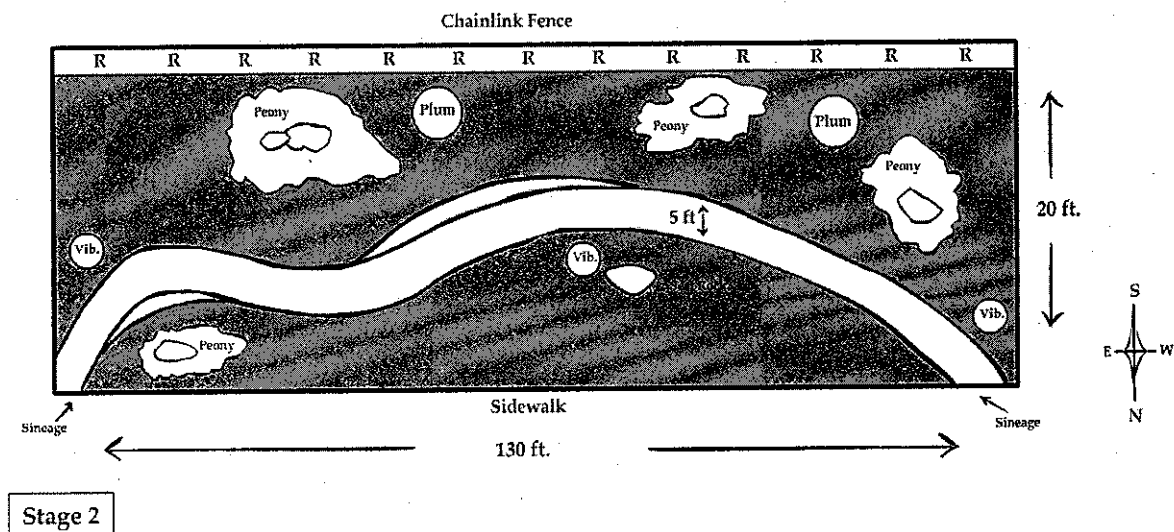
The requirement is to design a garden located adjacent to the former Hyde School in the Hyde Playground on Lincoln Street, this garden will be dedicated to the Hyde Community Center and Taipei Economic Culture office in Boston (located at 90 Lincoln Street Newton Highlands). Creation of an authentic Chinese garden is to be effected by use of plant material indigenous to China and the embellishment of the plantings with architectural elements singularly Chinese.

The Taiwan Garden design would contain Chinese Tree Peonies, Herbaceous Peonies, Intersectional Peonies (6/segment) and different large ornamental rocks. Each section would grow out to 10 feet in length and 7-feet in width. The area between segments could be left bare for future plantings or filled with a field of Azaleas, grass, such as Sapphire or Dwarf Fountain or bark mulch material.

The raised bed with rocks forming the perimeter and placed on top of the section and massed Peonies would be planted in the bed. The bed should be 20 feet in depth. This design because of the raised bed and rocky perimeter will hopefully preclude sidewalk salt from damaging the plant material.

In this design we would suggest clump bamboo be employed to define the bed's perimeter. The plantings will bloom in series and thus sustain color for 3-6 weeks depending on the weather.

Proposed new Hyde Playground fence line



In 2009 The Hyde Community Center and Taipei Economic Culture office applied and was accepted for a City of Newton adopt a space of a ten foot deep by 130 wide section of land in the Hyde Playground along the fence line of Lincoln Street to create the Taiwan Garden.

The Hyde Community Center spent \$1,000 to run an irrigation water pipe from the community center to the corner of the Taiwan Garden. The Hyde Center will pay for all water to irrigate the garden.

While developing the final plan for the Taiwan Garden it was decided the best plan for the garden would need a depth of 20 feet instead of 10 feet and the fence line at the Hyde Playground would move from Lincoln Street to behind the Taiwan Garden. The Hyde playground TBall field would be 30 feet from the fence line instead of 50 feet from the fence line. Newton South Little league which runs the Tball games in the Hyde Playground agrees that this is more than sufficient space to play their games and have proposed that the league raise funds to install benches facing into the Hyde Playground. The garden committee and Parks and Rec have agreed (if approved by the Commission) that Parks and Rec would take down the current fence and install the fence 20 feet from its original location. The Taiwan Garden Committee would pay for all the materials to rebuild the fence.

Using the extra ten feet the Taiwan Garden would have a stone path way that intersects the entire 130 feet garden and allows people to have flowers and plants on both sides while walking down the pathway. The pathway is five feet wide to accommodate wheel chairs and even adds two feet at corners to make wheel chair access easier.

We do not foresee any aggressive root propagation in the plant material used in the garden. Further we do not see roots penetrating below five feet in depth. The only large material five Chinese Apricot Trees, which will grow twenty feet in height and will be planted toward the center of the bed and thus not grow out of the garden.

No intuitional spraying is required for the plants.

Richard Abrams the garden designer and has volunteered all his labor on this project has donated six large ornamental rocks that are being transported to the garden.

The Taiwan Garden will be maintained by the Hyde Community Center and The Taipei Culture Center for weeding, future plantings and all maintenance. Both organizations have volunteers and a paid gardener to maintain the Taiwan Garden. The Hyde Community Center owns the adjacent property for twenty seven years and has sufficient reserves to provide long term maintenance for this garden. The Hyde Community Center is operated by a non profit the

Newton Highlands Community Development Corporation. Future fundraising between the Hyde and the Taiwan Center will enable future bulbs, plants and flowers for the garden; however, the Hyde Community Center has sufficient reserves to fund future plants and flowers.

Initial Garden budget

Irrigation from Hyde Community Center \$1,000 (already paid)

5 Chinese tree Peony \$450 (already paid)

15 Herbaceous Peony \$525 (already paid)

5 Intersectional Peony \$400 (already paid)

3 Viburnum \$150 (already paid)

2 Apricot trees \$600 (already paid)

Compost \$30

Fishmeal/Azomite \$50

$\frac{3}{4}$ Stone \$450

Stone Dust \$380

Mulch \$600

Truck, laborer, compactor \$450

Initial total \$5,085

The Taiwan Embassy in Washington DC which at one time was the Chinese Embassy had Chinese Apricot trees planted in the 1920's and five of those trees will be shipped to Newton for planting in the Taiwan Garden.

For additional information please contact John Rice 617-201-7088

Richard Abrams - Garden Designer

John Rice – Executive Director Hyde Community Center – Ward 5 Alderman