



Setti D. Warren
Mayor

Newton Parks & Recreation Commission
Meeting Minutes
City Hall, Room 209, 7:00pm
January 23, 2012



Robert J. DeRubeis
Commissioner

Attending: Arthur Magni, *Chairman*, Kathleen Heitman, *Vice-Chairman*, Bob DeRubeis, *Commissioner*, Walter Bernheimer, Fran Rice, Andrew Stern, Peter Johnson, Richard Tucker, Peter Kastner, Jack Neville, Michael Clarke, Don Fishman Robin McLaughlin, *Secretary*

Absent: Bethel Charkoudian

Also Attending: Carol Schein, Parks & Recreation Open Space Coordinator, Carol Stapleton, Recreation Manager, Tom Cahill, Aquatics Manager

Meeting called to order at 7:01pm

1. Meeting Minutes –December 19, 2011- accepted 7-0

- (Mr. Stern arrived after the vote)

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

- **Department Snapshot-** (attached)
 - Commissioner DeRubeis reviewed the department snapshot and mentioned the snapshot will be revised next month.
 - Mr. Bernheimer inquired if the year to date information and a comparison from last year would be included. Commissioner DeRubeis stated the Department Scorecard would be presented at the February meeting.
 - January 29th is the Camp Fair at NNHS
 - Vacation Camps are accepting registrations for February
 - Tomorrow Commissioner DeRubeis will have a budget presentation. Possibly three Forestry workers may be added to the budget which will help the City to catch up with the tree back log. Mr. Tucker asked if Marc Welch would be the Supervisor for the crew. Commissioner DeRubeis responded yes.
 - The parks & square trash went to the Public Works Department. In exchange the Parks & Recreation Department is caring for all of the municipal lots.

3. Crystal Lake- Swim At Your Own Risk Proposal- Deborah Fogel, 51 Lake Ave

- Ms. Fogel presented a proposal for a Swim at Your Own Risk (SAYOR) policy at Crystal Lake (available upon request). Currently there is authorized swimming in the bath house area during specified hours.
- Ms. Fogel stated last summer the issue was brought to a head with the constant Police presence at Cronin's Cove. Ms. Fogel and Ms. Karen Brae had both created a proposal for SAYOR, but decided to work together on one proposal.
- Ms. Fogel wants to work with the Parks & Recreation Department and supports the bath house but the bath house area and hours do not meet everyone's needs.

- Ms. Fogel supports the enforcement of laws for bad behavior and recommends the SAYOR policy be opened on a trial basis. The off-leash areas are a model for this proposal. Off-leash areas were not favorable in the beginning but they are working now.
- Mr. Matt Pawa, 72 Oxford Rd stated he is a Litigator and a long distance swimmer and the bathhouse area is useless to him. Swimming across the lake and back is about one mile and he can swim the mile during his lunch hour. Mr. Pawa will bring his kids to the lake while he is training. It is unpleasant and threatening when the Police are patrolling. The Commission may be concerned about liability but the City would be protected under the Recreational Use Statute as long as there is no fee for usage. The bath house area is not protected under the recreational Use Statute because a fee is charged for usage. There is also an equality issue. The 1929 Regulations allow abutters access to the lake near their homes, away from the bathhouse area, but no one else. The current system is not working and requests a public hearing.
- Ms. Fogel commented some of the supporters of this proposal are abutters of the lake. Ms. Karen Bray, 38 Stearns Street, commented she has been a Newton resident for 23 years and likes to take a quick swim at 5pm. There are 100's of signatures on the proposal, people should be able to make their own decision to swim at your own risk.
- Mr. Tucker asked about the list of communities on the proposal and the differences such as, fees, access, property, are the areas thickly settled. Ms. Fogel responded most of the listed communities are from the cape. The community's budgets could not support lifeguards.
- Mr. Fishman commented Morse Pond in Wellesley has a swim at your own risk policy only after the regular season ends.
- Mr. Rice asked Mr. Pawa why his kids cannot swim in the bathhouse areas. Mr. Pawa commented he takes his kids with him while he is training. Ms. Fogel commented not many children swim at Cronin's Cove it is mostly adults.
- Mr. Rice stated abutters can only swim 40' off their property. Kids should be in the restricted area; Mr. Rice sees their point but why risk the kids. Mr. Pawa stated the data does not show the children are at risk but the proposal could be modified to exclude children from the SAYOR proposal.
- Mr. Bernheimer asked if the proposal allows SAYOR 24 hours/day. Ms. Fogel stated only during daylight hours.
- Ms. Stapleton asked if the SAYOR policy is for the entire lake. Ms. Fogel stated yes.
- Chairman Magni commented the Recreational Use Statute does not cover death. Mr. Pawa commented the Statute will protect the City. A previous case were cited, McCarthy vs. The Town of Hamilton.
- Mr. Bernheimer asked if the proposal allows SAYOR year round. Ms. Fogel stated yes. Mr. Pawa stated the group is flexible on the time to swim.
- Ms. Heitman commented the proposal talks about SAYOR but does not address the dogs that go into the lake in those restricted areas. Ms. Fogel stated the proposal does not allow for dogs in the lake.
- Chairman Magni commented the dogs may affect the water quality, how does the proposal address water quality issues. Ms. Fogel stated the Crystal Lake

Conservancy has reported the run off into Crystal Lake from the dogs does create an issue. The people who swim at their own risk will have to assume the water will be safe.

- Chairman Magni asked if the water is not safe who would notify the people. Mr. Pawa said the City Health Department tests the water. Ms. Stapleton commented the bathhouse swim area, where the aqualator is located, is the only area tested; the City does not have the funds to test the entire lake. Ms. Fogel commented the issue would have to be worked out, but does not want to put an undue burden on the City.
- There are a number of issues in the proposal that need to be worked out. Mr. Tucker stated additional information is required to address the Commission perceived concerns before a public hearing is scheduled.
- Mr. Pawa stated the proposers are willing to do that. Mr. Tucker suggested they envision the worst case scenario, with a legal mind, and come up with some responses.
- Mr. Bernheimer stated research will have to be done on the impact of the fee paying side of Crystal Lake. Ms. Fogel commented the people who use the bathhouse usually do not swim outside that area and the SAYOR swimmers will not use the bathhouse area.
- Mr. Bernheimer asked of the list of Towns with the SAYOR policy how many are year round SAYOR. Ms. Fogel responded she does not know with the current information that she has collected.
- Ms. Fogel asked the Commission what information they are looking for; hours, water quality, money for testing, and no dogs. Ms. Stapleton asked how they are justifying kids to SAYOR.
- Ms. Schein recommends Ms. Fogel draft a proposal with parameters.
- Commissioner DeRubeis commented Amherst which is on the list restricts children under 12 from SAYOR without supervision; Morse Pond in Wellesley is far removed, and not easy to access. Crystal Lake is an urban lake; young kids are generally not scofflaws, but if kids are walking down the street and see a SAYOR sign they will jump into the lake. The proposal must address parking issues, people dressing in neighbor's yards, etc.
- Mr. Bernheimer commented parking was a serious issue with the off-leash recreation areas.
- Currently the City has the Marcus case in the Supreme Court regarding the Recreation Use Statute. There is an issue because an administration fee was charged, not a usage fee.
- Mr. Tucker asked if a resident pays the fee at the bathhouse but swims outside the bathhouse area and if there is a tragedy is the City liable. Mr. Pawa stated no liability can be guaranteed. A vast majority of the constituents want SAYOR. Mr. Bernheimer stated that is an absurd comment.
- Chairman Magni stated the Commission needs a more refined, specific proposal for review. Chairman Magni suggested Ms. Fogel meet with Commissioner DeRubeis and his staff. Commissioner DeRubeis recommended Ms. Fogel meet with Ms. Stapleton and Mr. Cahill.

4. ~~Updated Field Permit Policy – Tom Cahill - Rescheduled~~

5. Relay For Life – Informational (see attached)

- Sharon, from the American Cancer Society is requesting the use of Forte Park for its annual Relay For life event taking place on Saturday and Sunday, May 19, 2012, 9:00am through May 20, 2012 at 12:00pm.
- Mr. Tucker asked if there have ever been any issues at past events. Commissioner DeRubeis stated no, this is a fantastic program and they do a terrific job cleaning up.

Mr. Bernheimer made the motion to accept this proposal to move the proposal forward to a public hearing. Mr. Tucker seconded the motion. Motion passed 8-0.

6. Off-Leash Area Working group- Informational

- **Forte Park & Weeks Park (available upon request)**
- Commissioner DeRubeis presented the proposal for Forte Parks and Weeks Park.
Weeks Park
 - Ward 6- 7 Hereward St
 - Heavily permitted
 - 15 Acres
 - Currently used by dog owners with dogs
 - Fenced tot lot
 - Additional Mutt-Mitt stations
 - Hours
 - March 16- December 14 : Weekdays dawn – 1:00pm
 - No weekends
 - December 15 & March 15: 7days per week dawn - dusk
 - Parking
 - Lot & off street parking
- Forte Park
 - Ward 1- 229R California St
 - 6 acres
 - Heavily Permitted
 - Currently used by dog owners with dogs
 - Hours
 - March 16- December 14: Open weekdays dawn to noon- closed weekends
 - December 15 & March 15: Open dawn- dusk 7 days per week
 - Ample parking
 - Additional Mutt-Mitt stations
- Alderman Lennon requested the Commissioner reach out to Guy Forte and discuss the proposal for Forte Park.
- Commissioner DeRubeis commented these fields are used heavily by the leagues.
- Mr. Tucker commented it is good news the # of dogs licensed has gone up. Can the P & R Department use these fees for the off-leash areas? Commissioner DeRubeis

responded no, these fees go into the general fund. The off-leash permits fees and the \$50K donation is used for the off-leash areas.

- Mr. Fishman commented Weeks Park may be too close to the Cold Spring Park off-leash area, Kennard Estate may be a better choice. Mr. Bernheimer disagreed; Weeks Park is not too close to Cold Spring Park.
- Mr. Fishman asked if it is time to limit the number of dog parks in Newton. Mr. Tucker commented there are more people in Newton than Brookline and Brookline has 12 off-leash areas.
- Commissioner DeRubeis commented the public hearing will be scheduled after the February Commission meeting.

7. Other Business

- **Nahanton Park Management Plan – Carol Schein, Open Space Coordinator**
 - Ms. Schein summarized The Natural Resource Inventory and Management Plan completed by Mass Audubon in October 2011. The study goes beyond the Master Plan; there is a focus on Natural Resources. One of the recommendations from the Audubon study was to focus on the Community Gardens.
 - The Parks & Recreation Department has cleaned out the gardens, opened the roadway around the gardens, in preparation for the 2012 growing season. Ms. Schein has mapped out the plots in the upper and lower gardens. A committee has been formed that includes Parks & Recreation staff and some of the Community Gardeners. The Community Garden Policy & Procedure handbook has been updated. There is a meeting on Wednesday January 25. Some of the issues include trash and abandoned plots.
 - Mr. Tucker asked what the fee is for the plots and if there is a use it or lose it policy. Ms. Schein commented the fee is \$40.00 per plot and there is a new use it or lose it policy.
 - Mr. Tucker asked if there was any discussion on fencing the entire gardens instead of the individual plots. Ms. Schein stated yes but a fence to surround the garden would cost a lot of money.
 - Commissioner DeRubeis commented the department is acting on the study as suggested by Mass Audubon.
 - Mr. Hillis stated the report was unfavorable to the farm using area 2 but favorable to the farm using area 1. Ms. Schein commented the farms new proposal looks like they would like to use area 2. The Farm would have to come before the Commission with the new proposal.
 - Mr. Kastner asked Ms. Dore how many people are on the waiting list. Ms. Dore responded there are 27 people on the waiting list. Usually 10-12 plots turn over each year.
 - Mr. Clarke commented the report involves more than the gardens and the farm and the Commission should take a look at the entire study.
- **Kennard Estate – M.O.U.**
 - Commissioner DeRubeis thanked Jane Sender for her input as a member of the Kennard Trust Committee Member. A Memo of Understanding has been signed between the City and the Newton School Partnership for use of the building at Kennard Park.

- Commissioner DeRubeis commented going forward we should think of some ideas for usage of the Kennard Estate. This past week a resident met with the Commissioner to discuss the idea of having an apple orchard at Kennard Park.
- Ms. Sender suggested a new sign be made for Kennard Park and maybe start a Friends of Kennard Park group.
- Mr. Stern asked if the building is historical. Commissioner DeRubeis replied yes. Mr. Stern stated the building may qualify for CPA funding.
- Mr. Hillis commented the Parks & Recreation Commission must understand they lost control of this building at Kennard Park and the Citizens support the Commission to get the building back under their control.

8. New Business

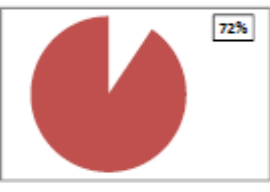
- **Annual Ethics Compliance**
 - The annual ethics compliance handbooks were distributed to the members for review and signatures.
- **Commission Elections**
 - Mr. Bernheimer nominated Mr. Magni for Parks & Recreation Commission Chairman. Mr. Stern seconded the motion. Motion passed 7-0.
 - Mr. Bernheimer nominated Ms. Heitman as Vice-chairman for the P & R Commission. Mr. Rice seconded the motion. Motion passed 7-0.

Meeting Adjourned at 8:47 pm

Respectfully submitted,

Robin McLaughlin, Secretary

Parks and Recreation Department Snapshot December 2011

Employee Attendance					
	Worker Days	Days Missed		Power Indicator	
		Leave	Vacation		
Administration (5)	105	25	1	75%	
Program (8)	168	41	4.5	73%	
Grounds Maintenance (15)	315	82	8	71%	
Urban Forestry (2)	42	17.5	0	58%	
totals	630	165.5	13.5	72%	

Customer Service Measures			
	Phone Calls	FAQ's Viewed	Total Inquires
Administration	128	67	195
Program	190	776	966
Facilities	8	1	9
Grounds Maintenance	24	3	27
Urban Forestry	88	1113	1201
totals	438	1960	2398

Service Requests							
<u>Grounds Maintenance</u>				<u>Urban Forestry</u>			
	Rcv'd	closed			Rcv'd	Closed	Avg. Age of Comp. (days)
School Dude	11	6		Pruning	11	0	na
				Removals	9	0	na
				Dn tr, lb, hngr	55	69	2
WebQA	3	3					
					Num.	Days till Complete	
				Removal backlog	239	280	
				Prune backlog	746	6587 (18 years)	

Financial Measures		
	Quant.	\$ Amount
Purchase Orders	12	\$ (18,925.83)
Invoices Paid	260	\$ (150,627.28)
Checks Processed	148	\$ 40,065.01
Cash Processed	11	\$ 824.00
Credit Cards Processed	230	\$ 39,310.00
totals	661	\$ (198,930.87)

Financial Measures				
	Quant.	\$ Amount		
Purchase Orders	12	\$ (18,925.83)	-18,926	
Invoices Paid	260	\$ (150,627.28)	-150,627	
Checks Processed	148	\$ 40,065.01	40,065	
Cash Processed	11	\$ 824.00	824	
Credit Cards Processed	230	\$ 39,310.00	39,310	

Program Attendance	
TOTAL ATTENDANCE	23253
UNIQUE PROGRAM PART'S	1292

November 29, 2011

Carol Stapleton
Newton Parks & Recreation
70 Crescent Street
Auburndale, MA 02466



Dear Carol,

The American Cancer Society would like to formally request the use of Forte Park in Newton for its annual Relay For Life event, taking place on Saturday and Sunday, May 19-20, 2012. We would like to request the use of the entire park beginning at 9:00 a.m. on May 19 and ending at 12:00 p.m. on May 20.

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.

During the 13-hour Relay For Life of Newton/Brookline, teams of 8-15 people set up campsites and take turns walking the track while enjoying music, food entertainment, games and more! Cancer survivors are honored during the event with a special ceremony, survivor lap, and dinner reception. More than 500 Luminaria (candle lit bags) surround the track and light our way through the night, each one in honor or memory of family and friends touched by cancer.

With your help, last year Newton and Brookline raised \$44,000 to fight cancer! We sincerely appreciate your past support and hope to have it once again this year to help us raise more than ever. Please contact me with questions or concerns. I can be reached at 781-314-2633 or gillian.baudreau@cancer.org.

Sincerely,

A handwritten signature in cursive script that reads "Gillian Baudreau".

Gillian Baudreau
Community Executive, Development
American Cancer Society
43 Nagog Park, Suite #110
Acton, MA 01720

New England Division
43 Nagog Park, Suite 110, Acton, MA 01720-3426
p) 781.314.2600 / 877.655.4907 f) 781.314.2699
Cancer Information 1.800.227.2345 cancer.org RelayForLife.org

Awaiting Commission Approval