



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 done 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