



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.