



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