



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 -2<sup>nd</sup> 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
<b>REVENUE</b>				
<b>Operating</b>	<b>\$852.00</b>	<b>\$670.00</b>	<b>\$85,074.00</b>	
<b>Revolving</b>				
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	
<b>Revolving Total</b>	<b>\$125,001.00</b>	<b>\$174,870.00</b>	<b>\$925,248.00</b>	

	Feb-09	Feb-10	Fiscal Y-T-D	Comments
<b>EXPENSES</b>				
<b>Operating</b>	<b>\$553,806.00</b>	<b>\$356,083.00</b>	<b>\$3,035,540.00</b>	
<b>Revolving</b>				
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	
<b>Revolving Total</b>	<b>\$56,302.00</b>	<b>\$142,363.00</b>	<b>\$1,195,790.00</b>	
<b>Emergency</b>				
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	
<b>Administration -</b>	<b>14</b>	<b>13</b>	266	26.00	90.2%	247	15.50	93.7%
<b>Maintenance -</b>	<b>18</b>	<b>18</b>	342	71.50	79.1%	342	80.00	76.6%
<b>Forestry -</b>	<b>2</b>	<b>2</b>	38	1.00	97.4%	38	0.50	98.7%
<b>Total Dept Attendance</b>			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](mailto:kate.glynn@cancer.org) or 781.314.2670