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DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH

PUBLIC HEARING
ON NOTICE OF INTENTION
TO AMEND ARTICLE 161 OF THE
NEW YORK CITY HEALTH CODE

125 WORTH STREET
NEW YORK, NEW YORK 10013

NOVEMBER 1, 2006
2:00 P.M.

TOBY FELDMAN INCORPORATED
1 Penn Plaza, Suite 4510
New York, New York 10119

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A P P E A R A N C E S :

THOMAS R. FRIEDEN, M.D.
Commissioner
New York City Department of Health and Mental Hygiene

MARTHA ROBINSON, Esq. - Associate General Counsel
New York City Department of Health and Mental Hygiene

EDGAR BUTTS, Ph.D. - Assistant Commissioner
Veterinary and Pest Control Services

NORMA S. TORRES - Director, Veterinary
Public Health Services

RENA BRYANT - Secretary to Board of Health

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MS. ROBINSON: Good afternoon. I'd like to get this hearing started. We have more than forty people registered to speak, so if you'd all take your seats.

Good afternoon. This public hearing is now called to order. Today is Wednesday, November 1st, 2006. The time is two p.m.

My name is Martha Robinson. I'm an Associate General Counsel for Health of the New York City Department of Health and Mental Hygiene. With me here today is Rena Bryant, the Secretary to the Board of Health, Edgar Butts, the Assistant Commissioner for Veterinary Pest and Control, and Norma Torres, the Director of Veterinary Public Health Services.

We are here today for a public hearing on a proposal to amend Section 161.05, Article 161 of the New York City Health Code. Please note that this hearing does not constitute a formal meeting of the Board of Health. The purpose of the hearing is to allow the public

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to testify or present written comments on the proposal. Anyone wishing to submit written comments today should give them to the staff and the Secretary at the tables in the vestibule outside the auditorium.

Please be assured that a transcript of the hearing is being made and a copy of those minutes as well as all written comments submitted here today which have otherwise been submitted as comments to the Department will be provided to the entire Board of Health for its consideration. Notice of this public hearing along with the actual text of the proposal to amend the Health Code was published in the City Record on September 29th, 2006. The notice advised the public to request a sign language interpreter or other form of reasonable accommodation for disability if necessary. No such request was received. Copies of the Notice of Intention are also available at the table in the vestibule, and I'm asking the reporter to copy the text of the first page of

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the notice of intention into the record as it is written.

In compliance with Section 1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by Section 558 of said Charter, notice is hereby given of the proposed amendment of Article 161 of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE (the "Department") WILL HOLD A PUBLIC HEARING ON THE PROPOSAL ON WEDNESDAY, NOVEMBER 1, 2006 FROM 2:00 P.M. TO 4:00 P.M. IN THE THIRD FLOOR BOARD ROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PREREGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK, (212) 788-5010, BY 5:00 P.M., MONDAY, OCTOBER 30, 2006. PLEASE INCLUDE A TELEPHONE NUMBER WHERE,

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IF NECESSARY, YOU MAY BE REACHED DURING NORMAL WORKING HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, (212) 788-5010, BY TUESDAY, OCTOBER 17, 2006.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 2:00 P.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL MUST BE SUBMITTED BY MAIL TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013 OR BY EMAIL TO: RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR BY FAX TO RENA BRYANT AT (212) 788-4315 ON OR BEFORE 5:00 P.M. ON WEDNESDAY, NOVEMBER 1, 2006.

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WRITTEN COMMENTS RECEIVED BY THE
SECRETARY TO THE BOARD OF HEALTH AND A
TRANSCRIPT OF THE PUBLIC HEARING WILL BE
AVAILABLE FOR PUBLIC INSPECTION WITHIN A
REASONABLE TIME AFTER RECEIPT BETWEEN THE HOURS
OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE
SECRETARY.

Persons wishing to speak at the hearing
were asked to preregister by five p.m. on
October 31st, 2006. I will call on the persons
who preregistered in the order in which the
request to speak was received. If someone is
not here when his or her turn comes I will call
the next person and will later call the names
of those who may have missed their turn.

Anyone who did not register and wishes
to speak may also register now at a table in
the vestibule. You will be called upon to
speak after the preregistered speakers. Each
speaker will be limited to five minutes.

Let me remind you again that the purpose
of the hearing is to elicit comments and

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information to assist the Board of Health in determining whether to adopt this proposal. While your testimony can certainly raise questions that you may have about the proposal, please understand that the Department representatives will not be responding to any comments here today.

There are signs directing people to the location of the lavatories on this floor.

I will now call upon the first speaker registered to speak. The person is Matthew Greller. Mr. Greller?

MR. GRELLER: Hi. This is preprinted what I'm about to speak about, for your benefit.

MS. ROBINSON: Mr. Greller, please identify yourself for the record and spell your name, please.

MR. GRELLER: Sure.

MS. ROBINSON: If you represent an organization, please also state your title and the name of your organization that you

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represent. And please remember to limit your remarks to five minutes.

MR. GRELLER: Thank you. My name is Matthew Greller. G-r-e-l-l-e-r. And I am an attorney with the law firm Blank Rome. B-l-a-n-k, R-o-m-e. And I'm here today as an attorney representing the New York Council of Dog Owners, or Nice Dog, which represents 35,000 City dog owners. I want to thank you all for being here today and for holding today's hearing.

Although I'm an attorney, I'm also here as a dog owner, because I'm here for my dog Pepper, a Scotch Terrier. And when Pepper was old enough to have the necessary vaccinations, I took her to nearby Central Park. After deliberate recall and other behavioral training, we left Pepper off leash at six months old. Since then, Pepper exercises and socializes off leash every day with a core group of about fifteen dogs from 6:30 to 7:30 in the morning, and until nine a.m. on weekends

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with about forty dogs. Plus my wife and I have made many friends from all walks of life because of Pepper.

I commend the Board of Health for clarifying their own regulations to recognize that there is limited City space for dogs to exercise. Providing explicit authorization and codification of a successful off leash policy is the right way to go. For starters, it will clarify things so that small groups will not misconstrue claimed statutory texts and misguidedly sue the City. Secondly, it will build upon Section 1-04 of the parks regulation, which states that the Parks Commissioner may permit dogs to be unleashed within City parks. Thirdly, this law underscores Chapter 21 of the New York City Charter, Section 533, which lays out the powers and the duties of the Parks Commissioner. In short, the Commissioner shall have the power to establish and enforce city-wide rules and regulations for the use of public parks, which

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shall have the force of law. In other words, the Parks Commissioner can legally issue a nine p.m. to park closing and park opening to nine a.m. off leash policy in certain designated spaces. So this current off leash policy is quite legitimate and very much legal, but there is always room for improvement.

The proposed amendment to clarify the Health and parks regulations bolster this reasonable policy. Every day with Pepper I see that the City's current off leash policy is a success. That's good for all New Yorkers. Designated off leash space in parks is needed, since there are only 44 dog runs per 1.4 million City dogs. Knowing that we share limited resources, responsible dog owners annually contribute time and money to maintain our parks. Dog owners use peer pressure to help ensure that other owners pick up waste, comply with the law, vaccinate, license and train their dogs. They never condone bad behavior from dogs or other owners. And I see

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that every morning.

Moreover, responsible dog owners are also parents, athletes, bird watchers, and they want to see the parks safely and responsibly enjoyed by everyone. As a result, they want to strengthen the off leash policy to ensure that they are safe from irresponsible dog owners, and that their loved ones and their dogs are safe.

No one wants to see injuries like those suffered by Matthew Connolly or his dog. They are unacceptable regardless of where or when they happened. However, eliminating the off leash policy is not the way to eliminate these kinds of injuries. Health Department statistics show that prior to the off leash policy, the annual number of dog bites city-wide exceeded 40,000. These numbers have dramatically dropped during the off leash policy's time. In 2005, the number of dog bites to 3,956, or about one-tenth the previous pre off leash numbers. For the first seven

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months of 2006, city-wide bites have dropped an additional 10.3 percent from last year.

This is tremendous progress. Please bear in mind, though, that the data does not reflect whether these bites occurred when dogs were on or off leash. But, we know that bites have dramatically dropped since the off leash policy has legally allowed dogs to exercise and socialize off leash.

Of these 2005 bites, a very small percentage actually occurred in City parks. In fact, only 2.2 percent of these bites, exactly 86, occurred in parks. I use the word "only" not to minimize the unfortunate nature of each of these incidents, but to illustrate that statistically they are extraordinarily minimal. These historically low dog bite numbers could drop further, but going back to all always leashing dogs could cause more bites, since dogs could become more aggressive without daily exercise and socialization. Many studies concur that dogs that receive off leash

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exercise and socialization are much less aggressive and can cope with urban surroundings. I will be submitting these studies today, as well as an executive summary.

In short, though, a tired dog is a good dog. Off leash activity in designated park space is the best way to get dogs tired.

Additionally, parks personnel have stated that vigilant and visible dog owners in parks every day during early morning and late evening hours makes parks safer. Dog owners know the slogan very well, if you see something, say something.

Police data also suggests that the off leash policy, among other factors, deters crime. Driving down bite numbers and generally making parks safer is a result of the current off leash dog policy.

Nice Dog would like to improve the reporting system, such as 311, to root out any violators of the off leash policy. Much like the broken window strategy in the 1980s, Nice

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Dog believes that going after the few but persistent violators will make things better for everyone.

MS. ROBINSON: Mr. Greller, your time is up.

MR. GRELLER: Thank you. Just in conclusion I would like to say that Nice Dog fully supports the proposed amendment. Thank you.

MS. ROBINSON: The next person is Gale Brewer. Is he here? Okay.

Matthew Parker?

Mr. Parker, please spell your name and identify any organizations, affiliation, please.

MR. PARKER: Good afternoon. My name is Matthew Parker. I'm President of Friends of Hillside Dog Park. I'm sorry, it's M-a-t-t-e-w P-a-r-k-e-r.

Friends of Hillside Dog Park is the community based, all volunteer, nonprofit organization that represents the hundreds of

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people who recreate with their dogs each week at Hillside Dog Park in downtown Brooklyn, located near the Brooklyn Bridge. Hillside is a New York City park designated as an enclosed dog run, and the two acres is the largest official enclosed dog run in New York City.

I am here today to speak strongly in favor of the proposed Health Code amendment to Section 161.05. Why would the community representative of the largest enclosed dog run in New York City support the continuation of the off leash policy in certain unenclosed areas of City parks? Well, someone who observes hundreds of dog owners and their dogs recreating together in a New York City park each week, I firmly agree with the prevailing scientific data showing the dogs that experience off leash recreation on a regular basis are far better socialized with humans and with other dogs than dogs that are not exposed to off leash opportunities. It is because of off leash opportunities like those available at

1
2 dog runs and during off leash hours for the
3 past twenty years in many parks that New York
4 City currently enjoy the record historic low
5 number of dog bites, despite the fact there are
6 more dogs in New York City than ever before.
7 Currently there are 1.4 million dogs in New
8 York City. Yet there are only approximately 44
9 enclosed dog runs in the City's 1,700 parks.
10 That averages one enclosed dog run for every
11 35,000 dogs. There are clearly not enough dog
12 runs to even come close to servicing the needs
13 of the off leash recreational community,
14 including dogs and their owners in all five
15 boroughs in the City of New York.

16 On any given day in New York City, many
17 more people take advantage of the off leash
18 hours in certain New York City parks than
19 attend 44 of those dog runs. Moreover, since
20 many dog runs need to be at least partially
21 funded by private donations, the distribution
22 of the existing dog runs tends to be in the
23 more affluent areas of the City, leaving other

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areas completely bereft of enclosed off leash opportunities for dog owners.

The New York City Parks Department's off leash hours enables parks, both large and small in size, to maintain multiple uses in existing New York City park levels. In contrast, when a decision is made to dedicate scarce park space for an enclosed dog run, that language from being a multi use area to a single use area, most small parks less than ten acres, such as Stuyvesant Park, Cabin Plaza Park and Fort Green Park, do not have the space to dedicate an adequate parcel of land to be restricted to a single use dog run. Many parks as well have landmark restrictions that prevent the construction of adequate size dog runs.

The off leash hour policy has shown itself to be a successful compromise for all park patrons. Dog owners are the single largest activity specific use group in New York City parks. The off leash hours policy has allowed a half million dog owning New Yorkers

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to recreate, to exercise and socialize their dogs in limited areas of certain parks at limited hours, while preserving the same space for the general park owning population for the vast majority of the time individual parks are open on a daily basis. It's clear the increase in the number of enclosed dog parks in the City where possible and practical, while preserving and strengthening the successful status quo policy of off leash hours will continue to benefit New York City public health as statistics from the past twenty years have demonstrated. The status quo has proven to be both successful park policy and successful public health policy, as evidenced by the historic low number of dog related incidents throughout New York City, and the historic high number of people, both dog owners and nonowners who each day successfully compromise in their usage of our multi use park space.

As you're probably aware, there is a recent lawsuit that threatens the twenty year

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off leash hours policy and risks taking New York City back to a time that was far less safe, and that the statistics show was a poor rate of public health. We encourage the Health Board as public health professionals to look at the off leash hours policy's great success in the aggregate, and enact a proposed amendment to Section 161.50, which, by adding even additional requirements further emphasize responsible dog ownership will continue this public health success story. Thank you for your time.

MS. ROBINSON: Thank you.

Terri Sullivan?

MS. SULLIVAN: Hello, my name is Terri Sullivan, and I'm president of the Juniper Park Dog Association. T-e-r-r-i S-u-l-l-i-v-a-n.

I have only been involved in off leash recreation for the past four and a half years. However, I have owned dogs almost all of my life. As a child, our dog was chained in the backyard, never allowed in the house. I do not

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know if he would have been aggressive with other dogs or people since he never got the chance. He lived, as most dogs then did, chained in the backyard.

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However, when I got married and my husband and I moved into our own apartment, we adopted a dog named Lucky. Lucky was walked on a leash and was fine with family members. However, whenever the doorbell rang, that dog threw her entire body against the door, barking and growling. When we moved into a house and we had a backyard, we were able to play and interact with her off leash. But again, whenever someone walked by, with or without a dog, she would lunge at the fence, barking and growling. This was something I believe most of us have experienced at some point in our lives. And if you have experienced it, you don't forget it.

Unfortunately, she did get out once and attacked another dog. Thankfully we were able to intercede and no serious harm was done.

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When our first dog passed away we immediately adopted another puppy. We were determined not to have the same problems and went through obedience training, played with her in the yard, and everything seemed fine. As she got older she got more territorial with my children's friends, and she soon started lunging at the fence when people walked by. This culminated in her biting my children while in our home. We eventually had to have her euthanized, since I could not chance having her bite anyone else. I do not now nor have I ever put a higher value on a canine life than I do that of a human.

This past weekend a neighbor's dog was being walked down the street on a leash by a young adolescent when it was attacked by an unsocialized dog that got out of its backyard. We are thankful that the only one that was injured was the dog and that it will recover. The owner of the dog that escaped its yard stated her job was wonderful with people but

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aggression with other dogs.

Of the approximately 4,000 bites that happened in New York City last year, I wonder how many were caused by owners who failed to properly socialize their dogs with people and other dogs. We now know that locking dogs into backyards is not enough. They are grassy prisons that cause territorial aggression.

Before adopting my current dog I did much research and discovered some of the scientific data regarding the benefits of dogs interacting off leash. I started this from the moment I was able to, and our family eventually got the kind of dogs we had always dreamed of. Our two dogs, Bounce and Rascal, have become of part of our family, bringing us all closer together. We have fun interacting with them as they are a common interest. In this day and age when we are all too frequently sitting in front of the television, computer or playing video games, it is nice to know that you can get yourself and your children up and out of

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the house to play with your family pet or simply go hiking together.

Some people say that you should not be getting these large dogs that have no room to play. This is not about a lack of personal space in which to play with your pet. This is about developing the best rounded, safest canine citizen you can have, and should be done with a five pound Chihuahua as well as a hundred pound Rottweiler. All around the world people are realizing that having their dogs interact with people and other dogs off leash is beneficial. Increasingly, dog parks are being included in the planning stages of new or renovated parks where dogs are allowed to play off leash. I had the opportunity last December to come upon a lost Newfoundland and there was a crowd of people around. Everybody wanted to help but were not able to for a variety of reasons. One of these well-meaning people in fact is here today in opposition to off leash recreation. Unfortunately he could not help

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because his dog was not socialized enough with other dogs to bring a strange dog in the house. I took the dog home and with the help of my neighbors we were able to reunite the dog with its owner. I work with animal rescue, and frequently bring dogs into my home to foster. I have never had a situation where my dogs were aggressive when I brought the strange dogs into their territory. I absolutely attribute this to off leash recreation.

Could dogs be socialized within a fenced dog park? Absolutely. However, due to cost constraints and misinformed public perceptions about dog parks, there just are not enough dog parks. In fact, the Juniper Valley Park, one of our local civic associations has strongly imposed the installation of a dog park, insisting -- thank you.

MS. ROBINSON: If you'd like to submit your remarks, they will be provided to the Board as well.

MS. SULLIVAN: Thank you very much.

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MS. ROBINSON: The next speaker is Robert Marino.

MR. MARINO: My name is Robert Marino. M-a-r-i-n-o. I am President of the New York Council of Dog Owner Groups. We are an umbrella operation of over thirty dog owner groups located in the five boroughs of New York City, representing over 50,000 dog owners.

Before you, you have preprinted statements, including my own. My own statement includes about fifty pages of scientific data and reports, some of which have been supplied by the CDC for benefit of this hearing today.

Rather than go through that report I'll allow you, the Veterinary Board and the Health Board to review it in a more, in a better environment than a five minute dissertation. But let me just state, what you're going to hear today, you're hearing from various member groups and from experts in behaviors. It goes far beyond the matter of dogs in the City. It goes to concerns that I believe were raised in

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2 your last hearing, which are the concerns that
3 will this proposal, if enacted, increase the
4 likelihood of bite incidents. Well, they won't
5 because we've had twenty years of experience
6 proving otherwise. And I could play the
7 Benjamin Disraeli game and say their lies, damn
8 lies and the statistics and manipulate them
9 all. But one statistic does hold true, that
10 out of 1,700 parks last year, there were only
11 86 recorded dog bites. Most of those bites
12 were of people familiar with their own dogs.
13 The CDC responded to that, that their own data
14 sourcing, and this is in the area of animal
15 care and control and veterinary group, that
16 they say that it is so insignificant, the
17 report of dogs bites within parks, that they
18 cannot even record it. And that you have the
19 data there as well. They also report that
20 twelve percent, only twelve percent of the dog
21 bites take place between dogs and people
22 unfamiliar with the dog.

23 Now, any dog bite is serious. And any

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2 doctor, I would be curious, you know, I believe
3 work in the emergency room or somebody, it was
4 in the back so I can't remember, and they were
5 concerned about dog bites. Well, I as a person
6 who grabbed a dog when an elderly woman
7 tripped, and grabbed, the dog bit and I ended
8 up in the emergency room. So I know what it's
9 like. But my bite was minor. It's very
10 serious for children and people.

11 This proposal if enacted is not going to
12 endanger. In fact, it goes the opposite way.
13 Through socialization dogs are better
14 acclimated to an urban environment. They're
15 better acclimated to people, to other dogs.
16 They are less leash aggressive. They are less
17 territorial. They create bonds with their
18 community members and other people, and they
19 actually create bonds with other dogs that they
20 know within their communities.

21 We are all familiar with, you know, and
22 I think we all agree that socializing dogs and
23 exercising them is paramount to animal health.

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It's also paramount to the mental health of the owners of the 1.4 million dogs in the City of New York.

So when you stand here today, you're going to hear other people from our member groups, behaviorists who have come forward, vets, doctors of veterinary medicine, doctors in other fields speaking. We ask you not to look at this as a proposal that will send dogs wild and running through the streets of the City of New York. It's not going to happen. It hasn't happened, won't happen. What you are actually enabling is something that we have strived for the last ten years and many groups are even longer, that better signage, better delineation of the rules, better advertising, better communication, better air, better demarcation of the areas where dogs are allowed off leash and where they're not allowed off leash. That will help us self enforce, it will accept help the City to enforce the rules, and it will help us to join the non dog owning

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2 community in getting the people who violate the
3 rules to obey the rules or get out of the
4 parks. Because they are our enemies as much as
5 your own. And we are parents, we're parents of
6 children who play sports, we're athletes, we're
7 birders, we are gardeners, we do everything
8 that any other citizen in the City of New York
9 does. We have been an unabiding respect for
10 what the City has become. We, although we say
11 it's the greatest City, now we know it's the
12 safest large City, it's rapidly becoming the
13 most livable City, with your vote it may become
14 the most dog friendly City. Thank you so much
15 for your time.

16 MS. ROBINSON: Michael Chimenti?

17 MR. CHIMENTI: My name is Michael
18 Chimenti and I'm here as a concerned citizen
19 who has had a few personal incidents with
20 unleashed dogs.

21 The debate on the leash law reminds me
22 of a funny little joke. An alien scientist
23 from a far off planet comes down to observe

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life on the planet Earth. After a period of study he returns to his home planet to report his observations. Well, what did you find. Well, I've come to the conclusion that where we originally thought the earth was ruled by humans, it turns out humans are actually the slaves. The Earth is actually ruled by the dogs. What observation has led you to this conclusion. The dogs are the royalty. They're fed, they're clothed, they're sheltered by the humans. They even follow them around with little shovels and scoop up their waste. Through my thousands of light years of observing the planets, I've never seen a people so cruelly enslaved.

Well, the present debate has demonstrated that we are not far from this farcical state of affairs, where dogs are taking priority over people. It's important to make clear that those of us who are opposed to the off leash hours in the park are not anti dog, we don't hate dogs or dogs owners, we're

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not afraid of dogs, nor do we disagree that dogs need off leash exercise. Unlike the off leash advocates, we want what's best for everyone involved, the dogs, the dog owners and the non dog owners. We do not oppose off leash hours in designated areas. What we do oppose are the blanket off leash hours that allow dogs off leash anywhere in our City's parks for twelve of the twenty-four hours of the day.

No matter how well an owner thinks he knows his dog, it doesn't take away the unpredictable nature of the canine. In 1993, while riding my bike in Borough Hall Park, Queens, a dog came alongside my bike and started biting my legs. My first instinct was to speed up in the hope of outrunning the dog. Not a good idea. When that proved fruitless my next option was to slow down. As I came to a stop and the dog continued to feast on my leg, a man came up running up screaming Noble, bad dog, down dog. The owner managed to eventually grab the dog's collar and restrain

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the animal. Sorry about that buddy, he said, he does that every once in a while. He doesn't like bikes. As he walked away, satisfied that he had given a logical explanation, I was left with a bleeding leg.

A second incident didn't occur in a park but it does demonstrate the surprising behavior of a dog that an owner thinks he knows. While visiting an aunt and uncle in New Jersey I could hear their little Buttons barking behind the door as I rang the bell. As my aunt opened the door I could hear her calming the dog, don't worry, he doesn't bite. She opened the door, he proceeded to take a bite out of my leg. Gee, that's funny she exclaimed, he never did that before. At which my uncle chimed in, well, there was that time he bit that lady from across the street, but that was because she was wearing gloves. But that doesn't make sense, my aunt used, you're not wearing gloves. About a week later I got a call. We figured out what it was. It was your hat, you were wearing a

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baseball cap, which is just like the UPS man. He doesn't like the UPS man. You see, I knew there was a reason. I told her she doesn't bite.

A third incident occurred in Alley Pond Park a few years ago. I was riding a bike at around dusk. I made the mistake of riding into a rather remote area of the park. What I didn't realize was as guy had decided to let several dogs off leash, believing he was alone and nobody else was around. As I entered what he considered to be his private area, I could here him mutter oh, spit, or a word that rhymes with spit. Clearly he knew that a dangerous situation had been created. Look, just take your bike and get out of here slowly, he warned me. And luckily I was able to ride away as he managed to restrain all three dogs.

The purpose in sharing these stories is to demonstrate what we know will happen if dogs are allowed to go off leash without restriction. And the answer is we don't know.

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2 Just yesterday I had to watch my six year old
3 son accept candy from a guy who stood in his
4 door with a huge dog, reassuring me don't
5 worry, he doesn't bite. It is the
6 responsibility of the Department of Health to
7 make sure that none of these incidents occur.
8 A dog owner will tell you until he's blue in
9 the face that he knows his or her dog and how
10 they will behave. But no owner can tell you
11 with one hundred percent certainty. Even if
12 they could be 99 percent sure, there's still
13 going to be that one percent of the time that
14 an owner is going to be heard saying gee, he
15 never did that before. Thank you.

16 MS. ROBINSON: Mia Nitchun?

17 Could you spell your name for the
18 reporter.

19 MS. NITCHUN: It's Mia Nitchun. M-i-a,
20 N-i-t-c-h-u-n.

21 My name is Mia Nitchun, and I'm here
22 representing Central Park Paws, a voice of
23 approximately 10,000 dog owners who use Central

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Park on a daily basis.

Central Park Paws was founded in the nineties by Susan Buckley, along with Doug Blonsky, now President of the Central Park Conservancy. Today, Paws is an advisory group to the conservancy, and is run by a steering committee made up of dog owners and conservancy staff.

As in Prospect Park, the relationship between dog owners and park management in Central Park is one of shared goals and collaboration. Both work to protect the park for everyone's enjoyment, non dog and dog owners alike. For the past 20 years Central Park has had a three tiered system concerning the leashing of dogs in the park. In certain areas such as Sheeps Meadow and the Great Lawn, no dogs are allowed at any time. In areas such as the woodlands and the ball fields, dogs must be on leash at all times. In the rest of the park, dogs are allowed off leash between nine p.m. and nine a.m., those are the twelve hours,

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during those times that the park is open, and provided that the dogs are under their owner's control.

In a park whose Landmark status prohibits certain geographic alterations, including dog runs, this policy has worked extremely well. In the words of Parks Commissioner Adrian Benepe, who described the nine to nine off leash hours in a recent letter to Paws, Central Park is a great example of this policy's success. Indeed, our courtesy hours have encouraged people to take advantage of Central Park during those hours which it is more likely used, and as a result the park is safer because of the presence of a positive user group.

This positive user group, the 10,000 dog owners in the park, formed communities that play a vitally important role in thousands of urban lives. Knowing how important the park is to their dogs' health and sanity, the dog owners overall are a successfully self

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2 regulating group. Through our quarterly
3 newsletter, our active website, and our well
4 attended events, Paws constantly reinforces the
5 importance of responsible dog ownership and
6 behavior as well as stewardship of the park.
7 Our recent My Dog Loves Central Park Fair was
8 attended by more than 8,000 people who
9 participated in a celebration of dog life in
10 the park, focusing again on responsible dog
11 ownership.

12 The situation in Central Park today is a
13 far cry from the old days when there was a
14 state of war between park management and the
15 dog owners who surreptitiously used the park.
16 There were people who misbehaved then and
17 unfortunately there are a few who misbehave
18 now. As with any regulation, there will always
19 be some people who misbehave regardless of the
20 law. But these are the small exceptions. The
21 off leash hours have been a tremendous success
22 in Central Park and have provided the space for
23 a vibrant, supportive and self regulating group

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of dog owner citizens who utilize the park on a daily basis. To rescind off leash privileges would unfairly penalize and eliminate that very element, the dog owners who are conscientious, both about the behaviors of their dogs and about maintaining the park as a healthy and safe environment for all New Yorkers. Our dog communities, which are an organic and unique mix of people from different socioeconomic, ethnic, regional and professional backgrounds constitute a classic example of Jane Jacobs' ideal of the village within the City phenomenon. In her Death and Life of Great American Cities she writes, most City diversity is a creation of incredible numbers of different people and different private groupings with vastly different ideas and purposes, planning and contriving within the framework of public action. The main responsibility of City planning and design should be to develop insofar as public policy and action can do so, cities that are congenial

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places for this great range of unofficial plans, ideas, and opportunities to flourish.

Central Park Paws applauds the Parks Department and the Board of Health for the features in the proposed amendment that strengthen accountability through licensing and vaccinations. On behalf of the many thousands of responsible dog owners, we strongly support the proposed amendment to the New York City Health Code.

MS. ROBINSON: Thank you.

Mary McInerney?

MS. McINERNEY: Good afternoon. My name is Mary McInerney. M-a-r-y, M-c capital I-n-e-r-n-e-y.

I live in Brooklyn, New York. I am President of Fido in Prospect Park, which is the dog owner group of all Prospect Park. And we work with the park to inform people of the current rules regarding where, when you can have your dog off the leash. And I'm also Vice President of the New York Council of Dog Owner

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Groups, and I'm Vice Chair of the Prospect Park Alliance Community Committee, which is a group made up of representatives from all the different user groups of Prospect Park, who work together to make Prospect Park better for everyone.

I am very much in favor of the proposed amendment for a number of reasons. One of which is the positive presence, the positive effect the presence of dog owners has on overall security in the safety within our parks. If we are not able to bring our dogs to the park for this brief period of recreation, there would be substantially fewer people in the park during these very early or very late off peak hours. Our presence in the park and in certain less traveled places acts as a disincentive to certain individuals who might otherwise find these times and places attractive. This is not to imply that we want to act or do act as any kind of auxiliary police force. It's simply that, as in other

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2 urban situations, more good people around mean
3 fewer bad people around. Maybe it's as simple
4 as reporting vandalism, as when the dog people
5 helped park enforcement stop teenagers from
6 wrecking a string bed amenity with their dirt
7 bikes, or nudged the parks operations people to
8 fence off a dangerous hole in the largest
9 branch.

10 And it's not just in New York that this
11 happens. In the City of Two Rivers, Wisconsin,
12 the City added an off leash park next to the
13 skate boarding park because the skate boarding
14 park was subject to extensive vandalism and
15 they figured, as it turned out correctly,
16 having a dog park with people constantly in and
17 out with the dog park, mostly adults with their
18 dogs, drastically reduced the vandalism within
19 the skate park and surrounding park in general.
20 It is much cheaper than video surveillance or
21 fencing in with barbed wire.

22 Sometimes there's a small side benefit.
23 Our Prospect Park administrator on a trial

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2 basis has allowed us to use part of the
3 Netherby, a remote part of Prospect Park, in
4 certain afternoon hours. And the increased
5 traffic of people going to and from this area
6 with their dogs has also increased people going
7 to that area just to go hang out because it's a
8 beautiful area of the park. Prior to this,
9 getting there you have to go through some very
10 dark, rather intimidating areas. But if you see
11 people going back and forth, hey, they're
12 going, I'm going, it must be a nicer place.

13 And sometimes you can take a more active
14 role. This past summer there was a nasty
15 jogger who was knocking down, mostly women, he
16 was knocking down women as he ran past. And
17 someone contacted us. As a dog walker I was
18 able to work contact other dog walkers, and
19 also worked with the Prospect Park Community
20 Committee, we worked with the police, we got a
21 description of the guy. Although we never
22 actually caught him, suddenly the fact that
23 there's a description out, that people knew he

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was there, suddenly the attacks stopped.

Sometimes, a few years back I was with my dogs early in the morning and I heard someone getting mugged. Had I not stopped to put my dogs on the leash ironically enough, I might have been there in time to stop it. But as it was, I was able to see the guys running away. I identified one of them, he did hard time in jail for it. Several of us ran over to her. She couldn't ID them because they had knocked her glasses off and they beat her around the head with a rock. We were able to help get her glasses back and sat with her and held her and comforted her until the ambulance showed up. And sometimes we are only a witness to tragedy and we do what we can. A few winters back a young man fell through the ice in Prospect Park Lake. We saw him walking out on the lake, we tried to warn him, we screamed. He went through. The only people there to warn him, I mean, he didn't listen. But the only people who saw him, the only people who were there to

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try to help him, this is in the middle of February in a sleet storm, the only people there to try to help him, the only people there called 911, we ran out to the road to direct the police and the divers to where this poor man was, were the dog walkers. The joggers didn't see him, there was nobody else, bike riders didn't see him because they're all off -- that's why I am in favor of this amendment. Thank you very much.

MS. ROBINSON: Robert Doocey?

MR. DOOCEY: Good afternoon. My name is Robert Doocey. D-o-o-c-e-y. I'm in Middle Village Queens with the Juniper Park Civic Association, and I oppose any change of any kind to this off leash law.

Before I read the comments I prepared, I'd like to respond to a few that I've heard here. One, about a lady who described finding a lost dog that I didn't invite into my home because I was afraid of what my dog would do to him. Well, he weighed eighty or ninety pounds,

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my dog weighs five. I was afraid of what a strange dog, who we found, would do to my dog or members of my family. So let's -- that's passed.

The other one is that we have heard that, that dogs get exercise off leash. Dogs get exercise on leash. Dogs socialize off leash. Dogs socialize on leash. They are security. We just heard some dramatic stories here. The same people with the same dogs in the same park could have rescued the same kid if their dogs were on a leash. Off or on a leash, it made no difference to the rescue.

Now, these remarks will address New York City Department of Health proposal to amend the leash law to allow unleashed dogs to run free in New York City parks from nine p.m. to nine a.m. or whatever other arrangement hours.

The amended law would empower the New York City Parks Department to set the rules for time and location and exceptions for this unleashing. My position is that this proposal

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2 is not only absurd on its face, to implement it
3 is probably criminal negligence. I sincerely
4 believe that unleashed the dogs proposal is
5 dangerously irresponsible and I cannot believe
6 that there's any merit to this proposal. A
7 proposal to permit motorcycles to race at night
8 would never be considered. The City won't
9 entertain any proposal to allow fireworks at
10 any time. We would never consider constructing
11 a playground on a median strip on Queens
12 Boulevard. These and other such ideas are so
13 obviously dangerous that we don't waste time
14 thinking about them.

15 Unleashing dogs is no different. To
16 permit all dogs to run loose in the various
17 parks among infants, children, the aged, the
18 infirm, the disabled, pregnant women, people
19 with allergies to dogs, people who really don't
20 want to be approached by a dog any more than
21 they go to the park to be mugged, robbed or
22 hurt is simply irresponsible and cannot be
23 justified. To insist that dogs be unleashed is

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elevating dogs as superior to people. Would we consider unleashing dogs to roam through school buildings. No. These too are City property. Would we allow unleashed dogs at a football field, in a gymnasium? Any such proposal would be considered dangerously ridiculous.

Dogs are simply property. Owning a dog, owning a dog, which I do, is a hobby like experience. There is no justification for singling out dogs for the exceptional experience of being subsidized by taxpayers. All dogs are potentially horribly dangerous.

You get your chance to dispute this.

For the City to irresponsibly permit dogs owners to set their dogs loose in a park, no matter what hour, imposes on other park users, including other dog owners who might have their dog on a leash, the obligation to distinguish a harmless friendly dog, of which there are many, from the dog that's about to strike for reasons that will never be known. Maybe wearing a baseball cap that looks like

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the UPS guy. A dog on a leash held by a responsible adult is perhaps still dangerous, but that danger is somewhat controlled by the adult holding the leash. Six feet.

Why would the City even contemplate taking on the unnecessary liability of giving permission to owners to set the dogs loose on an unsuspecting public. I believe that some proposals should never get beyond talk. But people who should know better are treating this proposal as though it had merit. Why not unleash dogs in a nursing home. Old folks would love the company of pit bulls, Rottweilers and Dobermans romping through the recreation room and cafeteria. Also, cemeteries have so much grassy area that sits unused. Funerals would be so less sad if all the mourners --

(Timer goes off)

MS. ROBINSON: If you'd like to submit your written comments you may.

MR. DOOCEY: I will.

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MS. ROBINSON: The next speaker is Council Member Gale Brewer. Is she here?

MS. BREWER: Yes. Good afternoon. Thank you very much for giving me the opportunity to say a few words.

I'm here like everyone else to talk about the proposed changes to Article 161 of the New York City Health Code, which would authorize the New York City Department of Parks and Recreation to adopt rules regarding dogs off leash in parks. And I'm here to support the nine to nine rule that has been discussed several times here today.

In my district on the Upper West Side and northern Clinton neighborhoods, we have obviously Riverside Park, we have Central Park on one side, Riverside on the other, and we have the Museum park in between. And the proposed changes by the Board of Health provide clarification to the City's leash laws to all New Yorkers on the streets and within the confines of our City parks and recreation

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facilities.

I have been a long time supporter of the parks nine p.m. to nine a.m. off leash policy. This policy allows owners and their dogs in particular to benefit from exercise and socialization during low public usage hours throughout our City parks. And I think you'll hear testimony that it cuts down on any kinds of poor interaction between dogs and enhances good interaction between dogs and their owners. Data collected by the Parks Department and by the Police Department also suggests that the parks are safer due to the presence of dog owners and their dogs during the late evening and early morning hours. So I encourage this panel, this Department and parks to jointly promote public awareness of the places and times that dogs are permitted off leash in parks.

I just want to conclude by stating that, as somebody who has the great many of us living very tight together in the west side, very

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2 compact, a lot of owners of dogs, and I feel
3 that with this kind of policy you promote the
4 better way in which the owner and the dogs work
5 together. And there are organizations, and if
6 there are abusers of the policy, which in any
7 community there will be, then the group that is
8 doing the right thing will sort of take care of
9 the challenges. So I feel very strongly that
10 this is a good policy, it should be enacted. I
11 think the Parks Department and the dog owner
12 groups have done a great job of working
13 together, being flexible when necessary, being
14 very stringent when necessary, and it has
15 worked in the past and it will be great if it
16 was sort of codified by you. Thank you very
17 much.

18 MS. ROBINSON: Mr. Stern.

19 MR. STERN: Thank you. My name is Henry
20 Stern. I'm the President and Founder of New
21 York Civic, and prior to that I was for fifteen
22 years New York City Parks Commissioner. And
23 before that I was elected to the City Council

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twice, representing the borough of Manhattan.

And at a meeting like this I feel like Harriet Beecher Stow did when she met with Abraham Lincoln in the 1860s. And what he said to her, I wasn't there, what he is reported to have said to her, you know, she's the author of Uncle Tom's Cabin, he said are you the little lady that started this great big war. And I feel in that role because I was the one, guilty, who promulgated the nine to nine rule, which --

(Applause)

MR. STERN: Arguing was based on the work of Pope Alexander the Sixth in 1493, when the issue was who should colonize South America. He ruled that east of the 50th meridian should be the Portuguese and west of the 50th meridian the Spanish would be given free rein to conquer the Indians and take their land. Well, he was a European Pope. But the point was, he made a division which was considered equitable and it settled the

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controversy between them. Here, we didn't make a space division, we made a time division, time sharing, because some things make sense at some times but not at other times.

Without approving colonialism implicit in Pope Alexander's decision, I think we can divide by time. And the time should be, one, when the sun is out, two, when children are using the park. Those are times you don't want dogs. Late at night you might want dogs for protection. So I thought that we should concentrate on enforcement efforts during the hours the children would most likely be in the park, and we did. We can't change the health regulation, we don't have the authority to do that. We can simply decide whether or not to enforce it. That's the executive branch.

The result was considered equitable, although when the dog lovers and dog haters that restricted, resisted any compromise, and I've met them both, my decision led to the growth of dog runs, of which there are now

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several dozen in the parks. And the dog run is in a way an ideal situation. It's a constructive solution to the problems of dogs running loose. Because you have a fenced, enclosed area where dogs are permitted to run free under the supervision of their human companions. The words "owners" and "masters" are sometimes considered politically incorrect and therefore cannot be used, although I have heard no objections in this matter from any dogs. It's like the Native American thing.

It seems clear it's a complicated issue. The City has 28,000 acres of park space, over 2,500 of which were added when I was Commissioner. And obviously you cannot make a rule for every one of them. So my suggestion is that the Parks Commissioner, who spends full time on these matters, should be authorized to make whatever regulations he deems appropriate as to what circumstances and what locations and what times dogs should be allowed off leash, if at all. And in this practice he should listen

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to community groups, and that should be a factor in his discretion. It may influence him, because if nobody wants the dog on a leash, this is a somewhat different situation, than if everybody wants it. And we try to please as many people as possible.

Now, the current statute is completely Draconian, the absolute bar. And it dates from the time when it said no animals will be unattended. When we were talking about horses and sheep, that you couldn't have loose animals walking through the streets of the City, like in the 19th century, because it was unhygienic and, you know. So they passed a regulation that every animal should be attended. But that was before the widespread growth and the practice of dogs as companion animals.

I hope that common sense prevails in this matter and that you leave it to the Parks Commissioner in consultation with anyone who he thinks is appropriate.

There are one wonderful citizens in New

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York who really love their dogs. And I can't speak on this without just one illusion to my late lamented, beloved dog Boomer who lived for 13 years. I won't ask for a moment of silence because he passed away two years ago. But he's someone I think of a lot. He meant a lot in my life and my children's growth and life. And we were fortunate to have had him and to have those relationships. And to cherish him, even though we lost him in the end, which I guess is better than his losing us.

So my hope that in this hearing, first of all I want to thank all of you for coming down here. This is a real dog loving community. And even the dog haters, that's people who aren't aware, there's not saying dog haters in the pejorative. Even those who take the opposition view should be commended for their sincerity, their eloquence and their feelings on this issue, and we hope there's some way we can accommodate them in their park. So I hope that we no longer -- last sentence --

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I hope that common sense prevails and that we no longer criminalize the conduct of thousands of law abiding New Yorkers who enjoy the company and friendship of another species of God's creatures. Thank you.

MS. ROBINSON: The next speaker is Garo Alexanian.

I'd also like you to know that our Commissioner, Dr. Frieden, has joined us at the table.

MR. ALEXANIAN: Good afternoon. I'm Garo Alexanian of Companion Animal Network.

MS. ROBINSON: Could you spell your name, please?

MR. ALEXANIAN: Garo, G-a-r-o, A-l-e-x-a-n-i-a-n.

I've given my written testimony to the Board, and I'd just like to add some comments and responses rather than going over what is already in my written testimony, which has already been stated by others before. I'd like to respond to some of the previous testimony

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presented, in particular to the gentleman who testified earlier that he was bitten by a dog on three different occasions.

Well, it appears that he has proven what the Cesar Chavez, the prominent dog whisperer on National Television, said in his program. He says that dogs must be rehabilitated, humans must be trained.

In my twenty plus years of collaring actual and wild feral dogs, I have amazingly never been bit once. Yet this gentleman would have us believe that his behavior had nothing to do with the three bites he received.

As an expert in this field, one who has been administering the first and still only 24 hour help-line for animal issues for over twenty some odd years, currently incorporated into New York's City's animal control agency, with degrees in psychology, biology and zoology, I can unequivocally state that those who have a propensity to repeatedly getting bit by dogs bear the brunt of fault and need to be

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trained how to live in a world where dogs and humans must coexist.

Studies have proven time and again that all animals, from snakes to bears to dogs to elephants, just like humans, can be incited toward aggression with inappropriate behavior. To simplistically argue that the fact that he was bitten three times must subsequently mean that dogs are unpredictable according to the gentleman is preposterous. All dogs are manipulatable, whereas few people are. With appropriate and responsible protocols, all dogs can be rehabilitated in harmony with other animals and humans.

Can we say that about humans? Our prisons have an 85 percent recidivism rate. Would the three bite gentleman consequently propose that the policy of parole be terminated? I do not believe so, even though we know that the consequences of not ending parole would result in the deaths of innocent children and adults.

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2 The sophisticated society which we
3 strive for in New York City must not throw
4 away the baby with the bath water. This
5 short-sighted approach advocated by the
6 opponents of the proposed regulation is
7 contrary to the very essence of a heterogenous,
8 tolerant society. They would have us go back
9 to the days of witch hunts, pointing fingers as
10 those who are not like us, merely because they
11 do not look like us. I urge this body to not
12 be intimidated by overblown extremists and
13 divisive arguments. Thank you.

14 MS. ROBINSON: The next speaker is
15 Robert Holden.

16 MR. HOLDEN: My name is Robert Holden.
17 I'm President of the Juniper Park Civic
18 Association, Middle Village Queens. Holden is
19 H-o-l-d-e-n.

20 It is a known fact that a leashed dog is
21 much safer and less of a threat to the public
22 than an unleashed dog. The mission of the New
23 York City Department of Health and Mental

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Hygiene is to ensure the health and welfare of all New Yorkers. So why is the Department of Health even entertaining an amendment to the Health Code that would clearly endanger the health and safety of New Yorkers.

In the Department of Health brochure on rabies, your agency asks New Yorkers to license your dog, leash and monitor your dog in public places, and vaccinate your dog and cats for rabies. In 2003 the Parks Department asked the Department of Health and Mental Hygiene to grant them authority to enforce the leash law as currently written without asking for off leash hours. In other words, they found that there was a problem with people not following the leash laws in parks, and therefore petitioned the agency to grant them enforcement powers so that they could take care of it. This notice to adopt states that they expected improved public compliance with the provision. Just three years later, however, parks is asking to revise this because there actually is

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reduced compliance and they can't enforce the law between nine p.m. and nine a.m. because their pet officers are not even on duty. There's about 53 pet officers for the 1,700 parks in New York City.

From the Parks Department's urban ranger publication, the Red Tailer, an article mentions attacks in Central Park on wildlife. And I'll quote, this, there I stood on a cool, crisp winter day gazing down at a frozen body of a dead raccoon. This was the second dead raccoon that day, the fifth that week. Something was very, very wrong. Who or what was killing the raccoons. Why do we find squirrels and ducks mauled to death. Because someone's uncontrolled dog attacked them. The moral of the story is dispose of your garbage properly and leash your dog. Later it was discovered by the tooth marks that the bodies were from -- the bodies were attacked by dogs.

In 2003, New York City launched a responsible pet ownership campaign to release.

1
2 New Yorkers are streaming into parks, New
3 Yorkers are streaming into parks and onto
4 sidewalks with their dogs. To ensure the
5 health and safety of pets and residents, the
6 Department of Health and Mental Hygiene, along
7 with the sister agencies and community
8 partners, is raising awareness about
9 responsible pet ownerships. The campaign
10 kicked off earlier this summer with a focus on
11 the importance of licensing and reuniting lost
12 dogs with their owners. New York City pet
13 owners are encouraged to be responsible by the
14 following regulations and suggestions below.
15 Leash and control your dog in public places.
16 The New York City Health Code requires dogs in
17 public places to be restrained by a leash or
18 chain no more than six feet long.

19 And finally, the Parks Department's own
20 website, parks and recreation, enforces the
21 Health Code laws for several reasons. First,
22 unleashed dogs cause potential danger to people
23 and to other dogs. There's no mention here of

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hours. Is it not dangerous to eight-fifty a.m. but it's dangerous at nine-ten? That's ridiculous.

Many parks users and park wildlife have been attacked by unleashed dogs. This is the Parks Department's own website.

Second, many park visitors are frightened by dogs and may find unleashed dogs to be intimidating or annoying.

Third, unleashed dogs are more likely to leave behind waste that is not picked up by their owners. Canine waste is known to have several diseases.

Finally, unleashed dogs destroy lawns and flower beds.

Let me show you a couple of photographs. I won't read the rest of it because you have the testimony. This is a dog in Central Park chasing geese, okay, in the lake. This is a dog that's jumping a fence into a flower bed. Here's that same dog, with a sign right in front, please do not walk on the flower beds.

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And there's a dog in there. Here are dogs running on the ball fields, unleashed. Same thing. Now, this is a great photo here of dogs in a protected wildlife area of Prospect Park. Now, what's a designated area to these dogs? A designated area is a fenced in area. You can't have a designated area for unleashed dogs, because they're going to leave that area and they do. This is happening today in Prospect Park. How much more evidence do we need that this is lunacy? How would you like to come across this? And this is, oh, by the way, here's a great photo. There's a dog walker, professional dog walker with about ten dogs. Okay. Second photo. Unleashing them all. Is that person in control?

Okay, here's a great photo that you might want to have a nightmare one night when you're walking down a path and you have three Rottweilers facing here. This is what you want? This is the kind of -- this is what's happening today. And by the way, this program,

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this unleashed program, this courtesy hour which was first Henry Stern, he called it the relaxed leash law, this was started, again, he says twenty years ago, we have it as 1997 is the first we got wind of it, this wasn't publicized by Henry Stern nor was it publicized by Commissioner Benepe. You didn't see this in any brochure. This is not on any website in the Parks Department. So very few people from the dog association knew about it and that was it. Thank you.

MS. ROBINSON: Thank you.

Lorraine Sciulli?

MS. SCIULLI: My name is Lorraine Sciulli. L-o-r-r-a-i-n-e, last name S-c-i-u-l-l-i. And yes, it's pronounced Sciulli, okay. I married in it and that's how they say it, okay.

First of all, I'd like to say the issue here isn't whether you love dogs or you hate dogs. We all love dogs. We all have dogs. I've had several in my time. I'm for keeping

1
2 dogs on a leash 24/7 when there are out in
3 public. What you do with them in your own home
4 in your own backyard is fine, and that's your
5 issue. But to put them onto the public
6 unleashed is very unfair to the public. And
7 now I'll go to my testimony here.

8 And first let me say that the New York City
9 Parks -- that the New York City Parks and
10 unleashed dog advocates keep saying that the
11 existing relaxed courtesy hours has been a huge
12 success for many years. Based on the steady
13 complaints that Juniper Civic receives, I am
14 here to tell you that's not true. Practically
15 every day we hear from people who are harassed
16 and threatened by unleashed dogs before nine
17 a.m. in Juniper Valley Park. Young children
18 accompanied by their parents trying to cross
19 the park to get to their destination are faced
20 with huge unleashed dogs. This scares them,
21 and why wouldn't it.

22 And let me tell you about a man by the
23 name of Gary Coulter who is a resident of

1
2 Middle Village, has to come from the south side
3 of Juniper Valley Park to the north side every
4 morning with two little kids, and every morning
5 he's harassed and threatened by these huge
6 unleashed dogs. I am submitting in the
7 testimony his emails to Dorothy Landowski, who
8 has not helped him very much. They keep saying
9 oh, we're going to help you, but they don't do
10 anything. And every morning this man cannot
11 get across the park because these dogs are
12 unleashed. Now you want to make it legal, that
13 the Parks Commissioner can do this legally for
14 twelve hours a day. I don't know what you're
15 thinking, but you'd better think hard about
16 that one.

17 And here's some numbers you haven't
18 heard. The American Veterinary Medicine
19 Association states that an estimated four and
20 half million -- no, let me say it right, 4.7
21 million Americans will be bitten this year.
22 You haven't heard that number yet, have you.
23 According to the Insurance Information

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Institute, insurance companies paid \$317.2 for dog bite liability claims in 2005 alone. You haven't heard those numbers here, have you. The primary victims are children.

In the face of these sobering numbers, the New York Board of Health wants to give the New York City Parks Commissioner legal authority to relax the leash laws. Henry Stern, you said that we should give the Parks Commissioner authority to do that. Like he's the guy with all the sense out there. Oh, we don't happen to agree with you on that one.

UNIDENTIFIED SPEAKER: Who's we?

MS. SCIULLI: And what are you thinking and how will this protect the public, which I assume is your primary function.

Let me suggest to you that before you do yield to this ridiculous stretch of the New York City Parks Commissioner powers, you state clearly that any unleashed dog must be muzzled. If you don't add that requirement to the law, we will all be looking right in the eyes of

1
2 additional unleashed Pit Bulls, Rottweilers,
3 Dobermans, Shepherds, Huskies, even Akitas.
4 For your information, I don't know if you guys
5 know this, but these dogs are on the insurance
6 companies' most dangerous dog list because of
7 their propensity to attack. I strongly suggest
8 that you do some homework on the dangerous dogs
9 before you act recklessly by unleashing dogs in
10 New York City Parks and compromising the public
11 safety.

12 Another important thought to consider is
13 how can New York City Parks and Recreation have
14 personnel checking vaccinations at all the
15 sites where dogs would be unleashed, when New
16 York City Parks does not have any enforcement
17 during the normal park hours? Oversight has to
18 be explored before there is any broadening of
19 the Parks Commissioner's powers to unleash dogs
20 in the New York City Parks. In the warmer
21 months, pet officers are assigned to the
22 beaches, leaving the neighborhood parks
23 unprotected. What about that?

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2 The New York City Parks Department
3 states that owners must be able to control
4 their unleashed dog. You tell me how you can
5 control an unleashed dog. An unleashed dog --
6 unleashed dogs are seen running on the adjacent
7 sidewalks and into the street mainly because
8 there's no such thing as controlling an
9 unleashed dog. They have minds of their own
10 and any distraction -- I have so much more but
11 I'm submitting it.

12 MS. ROBINSON: You're submitting it,
13 fine.

14 MS. SCIULLI: And I'm also submitting
15 Gary Coulter's emails to Dorothy Landowski.

16 MS. ROBINSON: Okay, thank you.

17 MS. SCIULLI: Thank you.

18 MS. ROBINSON: Edward Kampermann?

19 MR. KAMPERMANN: Good afternoon,
20 Dr. Frieden and distinguished members of the
21 panel. My name is Kampermann, Edward
22 Kampermann. That's K-a-m-p-e-r-m-a-n-n. And
23 although I'm a member of the Juniper Civic

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Association, I come here as a member of the public because there's probably eight million members of the public out there too busy working than they are able to come here and testify. But I put my time in, I'm a retired man, and I have an opportunity to witness a great deal that goes on in my community. And the one thing that does really excite me or annoy me is the loose dogs in the Juniper Valley Park.

Every park is different. Some parks are capable of having a dog run, which the Parks Department on their own website recommends, okay. We have had numerous incidents of attacks. It's unfortunate that the only thrust of the Parks Department argument to change the present law, which they're only three years ago, to ask the Health Department for the right to enforce the law because they realized that the law -- the Health Department wasn't able to do it. They wanted the right to do it. Now they're back here three years later saying

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wait, we don't have enough people to enforce the law, let's leave the dogs off the leash from nine p.m. to nine a.m. when the people aren't allowed in the park. However, in our neighborhood where this law was so instituted, we have a situation where many young mothers are taking, and fathers, are taking their children to school, to nursery school, to elementary school, and they're being accosted by the dogs. And the dog owners sitting in a group socializing among themselves. Now, that's not for the courts. But I will read something from my submitted testimony.

Without question, the present leash law was the product of responsible minds, that is, doctors with an understanding of the need to require all dogs to be tethered to a leash no longer than six feet when in or about public places. The law also requires that the owner be in control of the dog at all times. The law is very uncomplicated and allows no room for misunderstanding. Clearly it is a law that

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needs no amendment that would water down the original intent of the law.

It has been my observation that for the past decade in my neighborhood, as well as in others, the law has been compromised and neglected from those who walk their dog on their leash which acts like a fishing reel to no leash at all. And the question of being in control of the owner has been misinterpreted to a level that a ten-year-old girl or boy is walking a ninety pound German Shepherd.

In a recent issue of the Juniper Berry, which is a magazine that the association publishes, it was noted that about the Pit Bulls and about all the Akitas, how they are on the insurance list. And then we have Webster's New World Dictionary, the primary definition of social is having to do with human beings living together as a group in a situation in which their dealings with one another affects their common welfare. Canines, on the other hand, have a pack mentality, and when running free

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tend to form packs, which is dangerous to other dogs and human beings. However, a radical fringe element of dog owners, fueled by a \$30 million pet industry, are attempting to impress upon the public their twisted notion that dogs should enjoy what a child enjoys; clothes, jewelry, being pushed in a stroller, and visits with Santa Claus are all part of their twisted belief that dogs should be socialized in the same fashion as children. Unbelievable.

I'm going to skip the text from the New York City Department of Parks own website because it's been recited here and I will submit it. I do agree with it. I also agree with the reasons listed for enforcing the leash law as written. Unleashed dogs pose a danger to others, wildlife, plants, animals, people. That is an undisputable fact. And there is no way to screen a dog to find out if he or she is able to handle being off leash. It's up to the owner's discretion. Quite frankly, many New York City dog owners are not responsible or

1
2 trustworthy. They have been documented as
3 being disinterested in what their pet is doing.
4 Dog owners stand around socializing with each
5 other.

6 Clearly, any responsible municipality
7 will not allow dogs on the leash or off the
8 leash to be on any children's play area or
9 organized athletic field, and that's just
10 what's happening at Juniper Valley Park.

11 MS. ROBINSON: Thank you,
12 Mr. Kampermann, your time up.

13 MR. KAMPERMANN: It's over that quickly?

14 MS. ROBINSON: Yes.

15 MR. KAMPERMANN: I didn't think I had
16 two minutes here. But I'd just like to close
17 out by saying --

18 MS. ROBINSON: No, if you would just
19 submit your remarks.

20 MR. KAMPERMANN: I would just like to
21 close one sentence. If the good doctors of New
22 York City do not reject the proposed amendment
23 to Article 161.05 of the New York City Health

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Code --

UNIDENTIFIED SPEAKER: Time up.

MS. ROBINSON: Please, I'm sorry,
Mr. Kampermann. If you'll submit your
testimony the Board will review your testimony.

MR. KAMPERMANN: Well, I didn't get the
opportunity.

MS. ROBINSON: You, you did. Thank you.
Gabriel Tapalaga?

DR. FRIEDEN: While the next speaker is
coming up, I just want to emphasize that
everything that is submitted -- this is
Dr. FRIEDEN, the Health Commissioner --,
everything that is submitted in writing and
everything that is said here the Board will
review in detail by departmental staff,
summarized, and every single comment is
reviewed by both the departmental staff and the
Board of Health. So I'm not able to be here
for the entire hearing, but let me reassure you
that every Board member and departmental staff
will take every comment we receive very seriously.

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MR. TAPALAGA: Thank you. May I be heard?

MS. ROBINSON: Yes.

MR. TAPALAGA: Thank you.

Good afternoon, Commissioners. My name is Gabriel Tapalaga. I'm an attorney. T-a-p-a-l-a-g-a. 44 Wall Street. I'm actually the attorney that represented the Juniper Park Civic Association in their suit against the City of New York. And my comments here today will stick strictly to the legalities of this suit and the issues here before this body.

I've been sitting down and hearing a lot of testimony about what's good for dogs. Unfortunately, that is not what the department of Health is entrusted to do. The standard is not what's good for dogs, it's what's good for if residents of the City of New York. On the statement of basis and purpose, the New York City Department of Health and Mental Hygiene, the department is authorized and required by law to promote and protect the health and

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safety of New York City residents and visitors by promoting an environment free from animal borne diseases and hazards, as well as those caused by other vectors.

Now, simply stated, the Parks Department is here asking you to change the law because they feel that there's a need for dogs to be able to run free. Legally speaking that's not the standard that you're held by and that's not the standard that you should be looking at. Clearly the amendment to the New York City Health Code as the Parks Department wants it, is a violation of the law as it stands. Clearly in their own website, which I submitted to the Board, and as was read by members the organization, and I'm not going to reread them, but I am going to ask the Board to look at part three or the third point, that being that third, unleashed dogs are more likely to leave behind waste that is not picked up by their owners. Canine waste is a known source of several pernicious zoonotic diseases. Now,

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2 obviously I had to look up those two words.
3 Pernicious being highly destructive, and
4 zoonotic being diseases that could be
5 transferred there from animal to human through
6 natural, through a natural process. And what
7 I'm asking the Board to do here is not overlook
8 their responsibility. Obviously there's a lot
9 of good and well-intentioned people on both
10 sides of this issue. That's no doubt about it.
11 But the law is very clear, it's very precise.
12 And what this body has to do is see and weigh
13 what is right for the citizens of New York and
14 their health and their well-being.

15 Now, it may be better if dogs could run
16 free. That may be a fact, but that's not the
17 issue if it's better for the citizens of New
18 York for dogs to run free. The Parks
19 Department has in place a plan. It's been on
20 their website for the past twenty years that
21 dog runs are the solution. On their own
22 website it says that New York City dog owners
23 often complain that their dogs cannot possibly

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get the proper exercise because of the mandatory leash law. Parks and recreation has a solution; dog runs. That solution is still here. It's still viable. And it be can enforced. If they need more money to put more dogs runs in, they should petition the City government that way. But to let dogs free where we know that they cause a potential danger to the residents of the City of New York I believe is irresponsible. And I thank you for your time.

MS. ROBINSON: Thank you.

Rissa Peckar? Could you please spell your name for the reporter?

MS. PECKAR: R-i-s-s-a, P-e-c-k-a-r.

This past summer Marine Park Civic Association, along with Community Board 18, voted to support our off leash hours and rescind their support for a dog run because of our thirty year practice of responsible off leashing. No intervention on their part was ever necessary. And, as a matter of fact, we

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are very near a school, and we very often have parents who bring their children to see our dogs and visit our dogs.

Responsible off leashing means to us that we make sure our dogs are healthy enough to be a group, are nonaggressive, do not bother others in the park. We clean up after them, and we only allow our dogs to off leash during designated areas and designated times.

Those of us who enjoy the off leash courtesy in Marine Park felt very badly when we learned that you couldn't have both an enclosed area and off leashing, since Marine Park is eight hundred acres and encompasses many diversified neighborhoods. In an area this large, having only one place for dogs to socialize is very inequitable, especially the elderly population and people without cars who find it difficult to walk more than a few blocks. We wanted to emulate Riverside Park with a community successfully established and enclosed and an open area for dogs. Since

1
2 Marine Park was not allowed this privilege, and
3 since the proposed sites of our dog runs were
4 so small that to receive adequate exercise, we
5 unfortunately had no choice but to defend our
6 thirty year tradition. We self regulate. This
7 means that on the rare occasions when we see a
8 potentially aggressive dog, we either suggest
9 to the owner that they take their dog to a
10 professional trainer, or that they are not
11 welcome.

12 The opponents of off leashing are not
13 the only ones who care about safety issues.
14 The health and safety of dogs and people have
15 been critical to our success. We encourage
16 neutering and spaying to help keep the canine
17 population down, as well as keeping our dogs
18 healthier and less apt to stray. We respect
19 the rights of others who wish to ride their
20 bikes or jog or walk and who don't want a dog in
21 their way. Therefore, any dog that appears to
22 want to run on the pathways is quickly stopped
23 by its owner or another dog owner. We fully

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understand the importance of obedience and social skills in dogs. It keeps our dogs happy and it fulfills our obligation to the community. Off leashing provides the opportunity to perfect these skills.

We leave the park cleaner than we find it; weekend mornings when leftover food, glass and other refuse from sports teams and others are there. This is a health hazard for people and their dogs. We take our handy doggy bags and clean up the garbage to avoid our dogs from eating something that would make them sick or stepping on something that would injure them. When nine a.m. strikes, the teams start their day on a clean lawn, often due to our civic efforts.

We are in the park during off hours and have been an asset to joggers and many elderly people who frequent the park during these times. We offer safety in numbers, and have often called 911 for health emergencies.

To ban off leashing after so many years

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2 of success doesn't appear logical on any level.
3 Facts regarding health and safety for both
4 people and dogs do not support arguments to
5 keep dogs chained at all times. Will dogs act
6 out sometimes? Of course. But we don't ban
7 football, rollerskating or cars because of
8 occasional accidents. Life happens. Will off
9 leashing save the world? Of course not. But
10 every small joy adds to the City spirit and
11 reputation of wanting to foster community
12 minded people. This spirit would be damaged
13 should off leashing be banned. Thank you.

14 MS. ROBINSON: The next person is Trudy
15 Kawami.

16 MS. KAWAMI: There is a typo for the
17 spelling on the list. It is Kawami.
18 K-a-w-a-m-i. My first name is Trudy. And you
19 may find me as number 42 when they couldn't
20 find my name on the printed list.

21 MS. ROBINSON: Could you start?

22 MS. KAWAMI: I live in Brooklyn. I am
23 an American Kennel Club judge for field and den

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2 trials, and I teach dog training at the Staten
3 Island Companion Dog Training Club. And for
4 people who doubt whether dogs can be controlled
5 without a leash, I would happily invite them to
6 our agility trial, which will be in South Beach
7 Park this coming weekend, when there will be
8 several hundred dogs jumping at the direction
9 of their owners over bars, through hoops,
10 running through tunnels; all of this done off
11 lead. This is a very normal occurrence in the
12 dog competition world.

13 And I am also here as President of the
14 Sunset Park Dog Owners Group. Unlike some
15 neighborhoods, Sunset Park is not fashionable
16 nor even hip. It's a dense mix of working
17 people from many countries where you can hear
18 Fujinese, Spanish or Polish on the street as
19 frequently as English. But one factor that
20 unites us is our dogs. This common interest,
21 centered on our local park, Sunset Park, has
22 enabled us to cooperate in park cleanup days,
23 post clean up after your dogs signs in English

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and Spanish, keep the wire baskets full of plastic bags for doggie pickup, and hand out fliers in English and Spanish explaining the importance of vaccinations, licenses, and spaying and neutering.

We are also working on ways to lessen the limited instance of dogs fighting with each other, and the rare occurrence of off leash dogs venturing into nondesignated areas. Both are areas of public health concern.

To prevent the Parks Department from supporting our efforts to make our neighborhood a safer and more caring place, I believe is contrary to the mission of the Health Department. Furthermore, Sunset Park, being not a wealthy neighborhood, cannot afford the cost of building a dog run. Do you know that the dog groups have to foot this fee, the parks just supply the chips and the snow fencing.

New York City Dog Owners Group, which I am on the Board, did a study of the cost to build dogs runs. And in New York City it would

1
2 take two hundred to \$250 million and would
3 require 1,700 acres or a size double the size
4 of Central Park to build these. It simply
5 can't be done. We don't have the money and
6 there are more important things to spend our
7 money on in this City. Chicago has only 2.2
8 people to our 8.2, and they have 47 dog parks,
9 we only have 44.

10 Your modification of the leash
11 regulation will a direct effect on the
12 well-being of the people of my neighborhood,
13 Sunset Park. It will make clear the social
14 contract that having companion animals in the
15 City implies it will give dog owners group
16 the ability to self regulate. Also,
17 self-regulation is essential to neighborhood
18 cohesion, which in turn improves life for
19 everybody in the area. It will allow elderly
20 dog owners to have a focus for their outings
21 and increase social interaction. As our
22 population ages, we realize that it is
23 important to facilitate every activity that

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enhances outdoor exercise and social stimulation.

Allowing the Parks Department to designate specific off leash areas at specific times will also give us all a salt free area to use in the winter when the corrosive salt that eats at our boots also burns the dog's feet. My neighbors who live in apartments should not be denied a salt free area because they cannot afford to buy a house.

We have had several quotations that have come from supposedly the parks' web page. We were not given the date of the web page, however. And we were, of course, were provided with photographs but there was no evidence of the date, time and place of the photographs, so it's sort of hard to judge where and when they were taken.

It is illogical to discontinue a twenty year old practice that has accompanied a stunning drop in dog bites City-wide. It is also illogical to think the Parks Department

1
2 would want to put us in danger by its policies.
3 Sunset Park Dog Owners Groups strongly urges
4 you to amend your current regulation to allow
5 the Parks Department to specify certain areas
6 at certain times for off leash recreation.

7 MS. ROBINSON: Thank you.

8 The next person is Carmine B. Petracca,
9 Dr. Petracca.

10 DR. PETRACCA: Petracca is spelled P as
11 in Peter, e-t-r-a-c-c-a.

12 Good afternoon. I'm Carmine Petracca.
13 And I am a physician with a private practice on
14 the Upper East Side of Manhattan.

15 My keen interest in canines goes back
16 more than two decades, but dogs have been a
17 part of my life since birth. Being a type A
18 obsessive personality, prior to getting my
19 first dog I read more than eight texts on
20 canines and I read another eight texts prior to
21 getting my second dog. I regularly review
22 materials on my specific breed, both in
23 subscriptions I receive and online. I am an

1
2 active member of multiple canine associations.
3 I have lived in the City since 1995 and I have
4 enjoyed owning two dogs during this time. I
5 walk my dog off leash every morning an hour in
6 Central Park and have done so for the past two
7 years.

8 Much regarding the positive benefits of
9 off leash hours for canines has been covered
10 already and will be continued to be covered.
11 So I will review only a few of the prior points
12 and then focus on a slightly different aspect
13 of this debate.

14 Previously we have heard that bites are
15 down dramatically in the City. Not only do
16 Health Department statistics show a significant
17 reduction in dog bites in the City, also
18 scientific studies show that off leash
19 contributes to this phenomenon elsewhere.
20 Previously you heard that off leash exercise
21 and socialization are positive. Additionally,
22 the social implication that results from the
23 off leash policy enhances intellectual

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exchange, especially regarding canine training and rearing and proper canine socialization. Specifically what do dog owners talk about when they socially interact while their dogs are doing the same? Dogs and dog behaviors, dog nutrition, dog socialization, and very frequently new dog owners seek advice from dog owners with more and/or superior experience. Frequently experienced dog owners volunteer valuable information when he or she sees an inexperienced dog owner making a mistake. This exchange results in more knowledge of dog owners that are more capable to properly care for and train their own dogs. Again, this conclusion is supported by scientific studies.

Why do we need canines in an urban setting? Couldn't we just do without canines in the urban setting all together, and thus solve the off leash issue? Definitively, no. We need canines in the urban setting because they serve and provide a vital function for people. People need canines. The canine human

1
2 relationship goes back thousands and thousands
3 of years. And probably goes back much further.
4 Common sense tell us that this relationship has
5 lasted so long because it has a strong positive
6 impact with mutual benefits, benefits for both
7 parties. One might choose to agree that yes,
8 canines had a place in our past and yes
9 they have a place presently in the rural
10 setting, but not here in the urban setting. I
11 and many others would strongly disagree with
12 this point of view. In the urban setting the
13 canine serves man just as he has served man in
14 the past and just as he serves man in the rural
15 setting today. The main job that a canine does
16 in the urban setting is as a companion, and, as
17 such, the canine provides a vital function.
18 Numerous scientific studies have proven that
19 canines have positive health benefits for their
20 owners. These same studies have proven that
21 canines help in lowering blood pressure,
22 reducing heart attacks, stroke, reduced stress,
23 and provide a positive influence on patients

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with mental illness, as well as helping patients recover from illness.

There are three organizations that serve the metropolitan area for this very purpose, specifically the Delta Society, the Good Dog and Therapy Dogs International are organizations that exist for the sole purpose of providing canines to people in need of therapy. The people these canines serve are typically hospitalized patients recovering from a debilitating illness, the elderly in nursing home and children with cancer. Additionally, health benefits of pet ownership, which have been scientifically demonstrated, includes longer life, decreased anxiety, effectively reduce the loneliness of residents in long term care facilities, lower triglycerides and cholesterol levels, lower cardiac reactivity from psychological stress, assist in bereavement recovery, fewer minor health problems occur in pet owners, better psychological well-being, higher one year

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survival rates, higher one year survival rates from coronary heart disease. And the list goes on and on.

If one is willing to accept the science that demonstrates that canines have a positive impact on our health, then one accepts the need for canines in the urban setting. Given our need for canines and the health benefits and improved quality of life they provide for us, is it not appropriate for us to return the favor? Shouldn't we as the providers and caretakers of the canines assist in their health, quality of life and mental well-being as they do for us?

Today you have heard from many canine authorities that dogs that receive proper exercise and socialization are better pets, safer pets. And common sense tells you that a dog that has gotten out in the fresh air and had a good run with his buddies is a happier canine. I urge you to formalize off leash hours of canines, as has been the rule

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practiced by the Parks Commissioner for the past two decades. It is the common sense conclusion to this debate. Thank you.

MS. ROBINSON: Doctor, your timer? I was wondering whether they were going to go off at the same time.

DR. PETRACCA: I just needed to make sure I didn't go over my time.

MS. ROBINSON: Virginia Hoffman.

MS. HOFFMANN: Good afternoon. My name is Virginia Hoffmann. V-i-r-g-i-n-i-a, H-o-f-f-m-a-n-n.

I'm a certified dog behavior consultant, certified pet dog trainer, American Kennel Club Canine Good Citizen Evaluator, and have served in the past as a double society good therapy evaluator. I've been involved with dogs for more than thirty years, and have worked professionally with people and their dogs in New York City for eleven years. I've been a dog owner and off leash user of Central Park for fourteen years.

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I am in favor of the DOP requested amendment to 161.05 of the Health Code. I am strongly in favor of off leash hours for dogs. This benefits both the humans and the dogs. And I am also in favor of responsible dog ownership, and the safety and education of the community that relates to both behavior of people and their dogs. I assure you, those who are not responsible will not be hindered by the law, and they will only be the off leash dogs left in the parks.

As an educator of people and their dogs, my job is about keeping people and dogs safe and compatible. It is my belief that this proposed amendment would facilitate opportunities for public education, dog safety issues, thereby reducing the number of potential incidents of dog bites in our community.

The relationship between dogs and mankind as Dr. Petracca stated, has existed for approximately 15,000 years. And in the scheme

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of things, the constant use of leashes is a relatively new concept. If unleashed dogs were dangerous, as the opponents of off leash hours would have us believe, that relationship would have ended a long time ago. Despite media headlines, dogs rarely bite without provocation. Biting is a last resort. Dogs prefer to remove themselves from the fight, not bite. In relation to this, leashes and overcrowded fenced-in areas prevent the desire to escape behavior. Leashes and fences define territory and resources which could cause defensive fighting. Undefined spaces such as parks do not cause these things.

In my professional and personal experience, the majority of aggression displays and bites have occurred on leash or in a dog run. Dogs do much better off leash where there is room for them to move away.

I'm a science based professional. I need to look at the data. Consider the statistics. Dog bites incidents in the park

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represent slightly more than two percent of the dogs bites in New York City. I would urge decision makers to avail themselves of copies of the book, *Dogs Bite But Balloons and Slippers Are More Dangerous* by Janice Bradley.

So that the dog bite statistics can be put into perspective, looking at the New York City statistics and the ratio of dog bites to the dog population, the potential for injury is so remarkably low that I am astounded that it's even an issue. It is my absolute professional opinion that it is far more likely to become an issue by abolishing off leash recreation. This action would profoundly be detrimental to the behavioral health of dogs and possibly increase the potential for bites in the City.

Exclusively restricting the exercise and the socialization of dogs to already overcrowded dogs runs or on leash will increase frustration levels, which could result in decreased tolerance for people and dogs in dog runs and when the dogs are on leash.

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I encourage my clients whose dogs are suitable to train them to the highest level to be available for exercise off leash. Clients who want to exercise their dogs off leash are more motivated to train their dogs. These dogs train faster and go to a higher level at a younger age than those whose owners do not exercise their dogs off leash.

Leashes are most certainly necessary and appropriate in many situations. They are, however, unnatural. In my work I do everything from training young puppies to providing behavioral help to last chance aggression cases. Across the Board socialization and exercise are two crucial factors for a behaviorally healthy dog.

Is every dog capable of recreating off leash, no. Should that majority -- should that minority prevent the majority that are from being able to enjoy the opportunity? Should their owners who have worked diligently to raise and train a social, well-behaved dog be

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2 prevented from meeting the needs of that dog
3 because of irresponsible actions of a few? My
4 experience as a behavior consultant and dog
5 owner is that the vast majority of the owners
6 and dogs enjoying off leash exercise are
7 responsible. Those that are not, need education
8 and accountability. By defining off leash
9 activities within the parks, an opportunity for
10 education and accountability will grow. To
11 incorporate the proposed amendment for off
12 leash use in the current law makes the most
13 sense for the safety of all.

14 Let us not forget, that for the last
15 15,000 years dogs have served mankind daily.
16 Today they do everything from guiding and
17 aiding the handicapped to helping children
18 learn to read. They serve valiantly as search
19 and rescue workers and emotional comfort in the
20 aftermath of 9/11. These are just some of the
21 things we ask our dogs to do for us. In the
22 community in which they live, they ask very
23 little in return. Just to socialize with their

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own kind for a brief time throughout during the day.

Off leash activity benefits people as well. The owners benefit greatly in the exercise as they run with their dogs through the park.

MS. ROBINSON: Sorry, time up.

MS. HOFFMANN: Thank you.

MS. ROBINSON: Ronald Bourque?

MR. BOURQUE: Good afternoon. My name is Ronald Bourque. That's spelled B-o-u-r-q-u-e.

As a bird watcher for thirty-six years, I've had occasion to visit many parks in our City. In all the boroughs, not just Central Park and Prospect Park. In the past three years alone I have recorded six hundred visits to City parks.

During my thirty-six years of visiting public parks, I have been approached by dog owners innumerable times asking me if they've seen their lost dogs. I have had encounters

1
2 with packs of feral dogs more than ten times
3 while birding in City parks, national parks.
4 And I have never turned my back on them and
5 I've also managed to drive them off. During
6 those encounters I will admit that I did not
7 know what percentage of the dog pack had
8 collars, indicating that they were runaway
9 pets. Many dogs are abandoned. Dogs need more
10 spacious runs than are now provided, and more
11 dog runs are needed than are presently within
12 our parks.

13 The leash law in our City was
14 established for very well-founded health and
15 safety reasons. By relaxing the leash dog
16 regulations in our City parks we must assume
17 that an arbitrary decision has been made by
18 those health and safety -- that those health
19 and safety protections do not apply to park
20 visitors during certain particular hours.

21 Also, as a birder I'm really sensitive
22 to this issue about their relationship to
23 wildlife. Birds and wildlife have been subject

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2 to harassment by dogs off the leash. I
3 witnessed that this morning in Marine Park. A
4 lady from Marine Park would visit the south end
5 of the park, and I know where she runs the
6 dogs. If you go below the wildlife area south
7 of Avenue U and at the south end of the park,
8 it's inhabited by geese and many kinds of
9 waterfowl. This morning there was a woman with
10 a Weimaraner running free and harassing the
11 geese that were resting on the beach. I've
12 also witnessed this in our national parks and
13 on beaches where dogs have been harassing
14 migrating shore birds.

15 There's something about migrating shore
16 birds that a lot of people don't understand.
17 They migrate from their breeding grounds as far
18 away as Alaska and Northern Canada in the
19 tundra. They arrive in our coast, they have
20 about two weeks to put on enough weight to
21 migrate two thousand miles over open ocean.
22 They need all the rest and opportunity to feed
23 that they can get. And dogs off the leash, as

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I've seen many times, have harassed these wildlife on public beaches.

And although Commissioner Stern is not here, I resent the idea that this is about people who hate dogs. I don't own a dog but I love dogs. I love especially beagles. Any beagle owners?

I will submit the rest of my statement to the committee for the record.

MS. ROBINSON: Thank you.

MR. BOURQUE: Thank you.

MS. ROBINSON: Douglas McDougall.

UNIDENTIFIED SPEAKER: Excuse me, I have to go soon. Could we adjourn, then continue at another time so I can hear everything?

MS. ROBINSON: No, I don't think we can. But if you have remarks, you can leave them with us and they will get it the Board's attention.

COMMISSIONER: We will also make all of the transcripts and the written testimony publicly available on our website once we can

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get it all scanned in and we receive the transcript.

MR. McDOUGALL: I'm Douglas McDougall. M-c capital D-o-u-g-a-l-l.

And I live in Prospect Park. I live in Park Slope and I walk my dog in Prospect Park. And I'd like to speak in favor of the off leash laws.

UNIDENTIFIED SPEAKER: Can you go closer to the mike? The mike is not working.

MR. McDOUGALL: All right. I hear terrible statistics; 4.7 million dog bites, millions in insurance, dog feces with dreadful diseases in them. All sorts of terrible things. Children, joggers, cyclists chased down by packs of unruly dogs. In the seven years I have been going to Prospect Park I have not seen any of that. Every day I see joggers, I see cyclists, people bring their children to the parks with their dogs, and it all goes perfectly fine. If we had a little bit of common sense and a bit of some sort of decency

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about this, it should be possible for responsible dog owners to walk their dogs in the park at certain times.

Now, we have heard how dog owners scoff laws, how we're arrogant, lazy, unconcerned about people, we just care about the dogs. I haven't actually seen very much of that in Prospect Park either. I can't talk about Juniper Park or any other place in New York, I can just tell you what happens in Prospect Park. But for the seven years I've been going there, I have seen one dog bite, and that was a dog owner who separated her dog that got in a fight.

Now, can I say that dogs won't be biting people in the future? No. Anybody who says they know the future is an idiot. But, we can look at the statistics and see that things have gone very well for the twenty years that the sensible policy has been carried out by the park service.

The parks people who see us on a daily

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basis, the parks support us in this. They would let us do this. They have built us a dog beach in Prospect Park so the dogs can swim.

I think if you have a bit of common sense and basic decency here, we could do what Henry Stern suggested and have a time division. So that from 9:00 o'clock we can walk our dogs, and those who feel safe and want to come out can come out then. And after 9:00 o'clock it's up to the people who want to come out later. This is not an excuse for us to go hunting joggers. It won't be allowing us to go chasing down babies and all this other hysterical nonsense that we hear. That's not what we are about and we're not going to do that.

So I hope you will be able to make a sensible decision and continue to allow them. Thank you very much.

MS. ROBINSON: The next person is Tine Jardine.

MS. JARDINE: Just for the record, my first name is Tine but it's pronounced Tina,

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but I'm known as Tine Jardine.

So I just wanted to say good afternoon
and --

MS. ROBINSON: Could you speak into the
mike, please?

MS. JARDINE: It works oh, excellent,
okay. My name is Tina Jardine, as I said. And
I have been a handler for more than twenty-one
years. And as long as I've been here I've been
a dog owner and a dog lover. And I have been
to the park nearly every day for all those
years, and I have never encountered violence in
the way that we have heard it. I'm not saying
it doesn't occur, but I've never seen it.

I'm also truly surprised to learn that
the reason that we're here is that it's a dog
problem, it wasn't a problem that occurred in
the city parks, which I would have responded
to, but it isn't.

I looked at the statistics over the
years of this wonderful existence, and I, as
all the other speakers from my side, I did not

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find any proof that there's been an increase in dog bites, an increase in rabies cases, because, number one, we are responsible owners, we supervise our dogs, even when they're off leash, and also we do vaccinate our dogs for rabies and we also take care of them in terms of other diseases.

There are so many points. The sanitation part is very important. And I want to keep the parks clean, wonderful lush and beautiful. And I think that all park users on a daily basis respect that. I don't want to step in dog poop, I don't think anybody else does. So I pick up after my dog as do all of my friends that I know of.

It's curious I find that the littering done by people by far surpasses the littering done by dogs. So in my opinion that point is not something that should be mentioned as an argument against having dogs off leash.

Another really, really important reason I'm here is that I want to say to you that by

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having granted the owners of dogs here in New York City this wonderful and important privilege, you show us that you have great consideration for both two and four legged residents. It shows me and others that you wish to promote and contribute to a controlled, a safe, a healthy and harmonious environment. And that places emphasis on a great diversity of the City's residents. That's creating one of the most glorious places I know.

In closing, admittedly everyone complains about paying taxes. I do too. Except for the tax I pay every year when I renew my two dogs' licenses. I know that it helps promote a healthy environment, a controlled environment with less aggression, and it allows me for me and all other New York City dog owners to enjoy our dogs to the fullest by having them run and play supervised off leash a few hours, only a few hours, every day. I want to make sure that you the Board knows how grateful I am. And I and other dog

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residents want to respect and see the limits respected that are set forth for having our dogs run off leash.

I love our parks. Please do not think that I'm limited to seeing my dog there in the morning. I want to see them clean and filled with happy and content two and four legged residence into the far future. But I urge you, please do not consider just an isolated incident or a few isolated incidents. It's not a perfect world. People get mugged, people are raped. Dogs bite if they are challenged, but most dogs are not challenged off leash hours and never will be. Please, let us keep our off leash hours. Thank you for listening to me.

COMMISSIONER: I want to thank you all for coming. We will read the transcript of the hearing as well as your summaries.

MS. STEWART: Good afternoon, honorable members of the Board. My name is Katy Stewart k-a-t-y, S-t-e-w-a-r-t. My telephone number is

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incorrect on this list, do you want me to
change it now?

MS. ROBINSON: No, it doesn't matter.

MS. STEWART: Okay, thank you.

My name is Katy Stewart. I'm a dog
trainer. I own a miniature poodle and all bets
are on. I'm in Central Park almost every
morning for an hour or two before 9:00 o'clock.
There are plenty of days I'd like to sleep
later, on rainy and cold days when the idea of
taking a walk is unpleasant, but I'm out there
anyway because off leash time is so valuable.
There is a picture of that. If you look at it
you can see the rain drops. Her tail is up,
she's a happy dog. I'm not saying -- I didn't
look so good that day. Here's Bets in the
snow, and here's another picture of her on a
nice fall day. I have other pictures and I
will just be showing you them as I speak.

Mention has been made here today of off
leash dogs and children. In southern Central
Park before nine a.m. I don't see many children

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at all. Most of the few children I see are accompanying their parents while walking the family dog. A small number of children are tourists with their parents. By the way, the tourists seem to really enjoy watching the dogs run and play. They frequently comment on such well-behaved dogs. I've taught Bets some tricks so she often puts on a little show, doing our little bit to make New York City entertaining for the tourists.

You've heard from other speakers about dog bites several people have said. But I'm not minimizing the emotional and physical pain of the people who are assaulted. Being assaulted by a dog is awful. Being assaulted by another another human being is awful too. Every dog bite is regrettable. But by the same token, every case of food poisoning is regrettable. Every death from tuberculosis is regrettable. We do not live in a perfect world.

I would also like to mention some

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2 sanitation issues. It's unusual in my area for
3 an off leash dog owner not to pick up his or
4 her dog's poop. There is a distinct social
5 pressure to clean up after your dog. Also
6 regarding dog feces, when you clean up after
7 your dog regularly, you notice when they're
8 sick and you don't bring them to the park when
9 they're sick. As a group we don't litter, and
10 I can assure you we don't go around breaking
11 glass.

12 A bit of perspective is needed in
13 discussions of sanitation. Central Park has a
14 problem with human feces. People who poop in
15 the park do not seem to clean up after
16 themselves. Granted, the dog poop is
17 disgusting, but human poop is revolting. And
18 as to health hazards, give a moment's thought
19 to pigeons too.

20 Going on to mental health issues, the
21 Board of Health and Mental Hygiene, I'd like to
22 address issues related to mental health. Off
23 leash time is a social time for people.

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Conversations are not limited to dog topics. They run the gamut. Prenatal care, U.S. world policy, canine behavior, et cetera. In this great big City, off leash time gives owners a chance to develop a sense of community.

On a different note, there are numerous studies showing the benefits pets offer people. Lowered blood pressure, easing of depression, et cetera. And look at the success of therapy dogs. Canines offer benefits to humans. If people want to use the benefits of dogs, we should address the needs of dogs as well. Denying off leash time is highly unlikely to diminish any health problems. But it would severely punish people and dogs who have done no harm.

I'd also like to address other comments. I have never seen a feral pack in New York City, and I've never even heard of a feral pack in New York City. In regarding the dogs --

MS. ROBINSON: I'm sorry.

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MS. STEWART: -- regarding wildlife,
ducks get killed by other things.

MS. ROBINSON: Thank you.
Parvene Farhoody.

MS. FARHOODY: Hi. Thank you for giving
us an opportunity to speak to you today.

So much was said here today and I found
myself wanting to take notes and reply because
you've heard so much information over and over
again.

First let me state my name. It's
Parvene, P-a-r-v-e-n-e, the last name is
Farhoody, F as in Frank, a-r-h-o-o-d-y. I am a
certified animal behavior consultant, a
certified dog behavior consultant, a certified
pet dog trainer, and the vice president of a
certification council for pet dog trainers,
which is the only certifying body for dog
trainers in the country.

I wanted to make a comment. There was
somebody who started with it's a known fact
that dogs who are on leash are safer than dogs

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who are off leash. I am amazed as a behavior scientist who turns to data and empirical evidence for my work, that so much information being given is anecdotal and personal information. It is not a known fact. As a matter of fact, the only statistic that we have I'll remind you is the 86 bites in 2005 occurred in 1,700 of the dog parks, and of that 86 bites we don't know how many were even on leash or off leash.

I certainly would argue and would love to see some data taken. But I certainly would, my guess would be as a professional that far more, maybe close to 80 or 90 percent of the bites across country are done with dogs on leash, because when dogs are on leash they are more threatened, they cannot escape, and they are more likely to bite.

We do know that, someone else mentioned there are 4.7 million bites in the United States. And we do have a remarkable bite rate. It is higher than any country, any western

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country. We also have the most leash laws than any other country. Coincidence, I don't know.

Of those 47 million bites, 71 percent were from their own dog or from a friend's dog. And 61 percent of them, the bites occurred in their home. So again, we really should be looking at some empirical evidence that would give us an idea if this issue of off leash is really a health hazard. I certainly would love to see more data, and I would argue that if statistics like this are right, we should be arguing for perhaps more off leash time because that's the safest time for dogs and people.

The thing I would like to mention is that people have talked about dog socialization. And indeed dog socialization is important, although it's not like child socialization at all and that is a misnomer. Dogs have a 16 week critical period of socialization. After that they just need to see each other and interact in a very casual way. What I know as a person working fifteen

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years as a professional with dogs is that off leash time is for dogs and their humans. It is a time when dogs can bond with their humans, which is what they are designed to do, contrary to popular belief. Dogs are not designed to be around other dogs or play with other dogs at length. Dog parks promote that, where the off leash time does not promote that. It is a time where people walk and stroll with their children, they walk, they talk, they interact with other people. And dogs sniff the grass, do their own thing.

Again, if statistics were taken, if the data was corrected, I would argue you would find that well less than half of dogs are actually interacting with each other. They're actually interacting with their humans, playing ball, playing frisbee, having a good time.

It is very important to the welfare of humans that they get their time. As I believe it was Dr., sorry, I don't have his name written down, the gentleman who was talking

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about the benefits of dogs to humans, lowering blood pressure, stress levels, therapy dogs, this type of thing.

I think that what's provided by this off leash time is a time for humans to engage their companion animals in a way they cannot do in any other place in the City. And I really hope we can continue to provide to them.

Someone mentioned, you tell me how you can control a dog off leash. The answer is training, it's called stimulus control or the word "come." The whole point of getting dogs out there into the off leash time is to practice those skills. Again, if data was collected I would argue that the dogs that are off leash in Central Park are probably a collection of the most well-behaved of our dogs in the City. They are probably the best controlled, they have the least history of aggression. And some of the most conscientious dog owners in the City are the people who are using this off leash time. They care about the

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park, they keep it clean, they put pressure on other dog owners if they don't clean up after their dog, and if they don't, by God, we take our bags and we pick up their poop anyway because we don't want the park dirty. This is something that I think we should consider.

Finally, the last thing I'd like to say we're not talking about ramifications. And I will submit that. I think there are going to be problems if we don't continue. Thank you.

MS. ROBINSON: Thank you.

Frank Cahill. Is Frank Cahill here?

MR. CAHILL: Hello. My name is Frank Cahill. That's C-a-h-i-l-l. I'm a certified professional dog trainer and I'm President of the Freedom Run Dog Owners Association of Northeast Queens.

I wanted to talk about dog socialization. Dogs are very much like people in that they benefit from socializing with their peers. By interacting and exercising in a friendly environment without physical

1
2 restrictions, they're able to learn that other
3 dogs are not threats. This leads to an
4 increase in confidence and decrease in anxiety,
5 which could be measured by an aggression or by
6 biting from fear.

7 Most dogs require plenty of exercise.
8 Off leash exercise and socialization allows
9 dogs to release the energy built up inside,
10 resulting in calm and satisfied dogs. Dog
11 owners here would understand exactly what I'm
12 saying, as I'm sure that they have noticed the
13 positive changes in their dog's behavior after
14 45 minutes off leash with their dogs at the
15 parks.

16 As dogs are pack animals, off leash
17 socialization allows them to determine exactly
18 where they fit in the pack. This is very
19 important in building confidence and
20 eliminating fear and anxiety built from
21 confusion. In other words, the dog becomes
22 well adjusted.

23 Dogs regularly exposed to a safe off

1
2 leash environment are friendly, non threatening
3 and well-behaved. They are a joy to their
4 families and to the entire community. And this
5 is a quote from the ASPCA web page. Dogs need
6 to be stimulated, both mentally and physically.
7 Most breeds of dogs were developed to perform
8 specific jobs for people such as guarding,
9 herding and hunting, work that demands great
10 physical stamina and intense mental
11 concentration. Without a job to do every day,
12 our companion canines can become bored, at the
13 very least. In general, a stimulated dog is a
14 better behaved dog. If the dog a physically
15 spent, he is much, much less likely to engage
16 in a variety of problem behaviors. If the dog
17 is trained to come when called, it's ideal to
18 exercise him off leash in a safe area.
19 Strenuous aerobic exercise is best, such as off
20 leash running and playing with other dogs.

21 Now I would like to talk about the
22 negative effects resulting from the lack of off
23 leash exercise and socialization. Dogs that

1
2 are always confined to the end of a leash and
3 not exercised in a social environment are
4 typically more threatened to people and to
5 other dogs. As they have not received the
6 benefits of off leash socialization, these dogs
7 are likely to become more protective and
8 territorial. Animal behaviorists define this
9 condition as leash aggression or frustrated
10 aggression. Leash aggression manifests itself
11 in a dog growling or barking at strangers or
12 other dogs when approached. This happens
13 because the dog is both confused and anxious,
14 and it perceives the other dog or person to be
15 a threat, so it feels it must protect itself
16 and its owner. If the dog was properly
17 socialized, this would not happen.

18 Responsible dog ownership requires a
19 balance of both on leash and off leash
20 exercise. On leash exercise creates a bond
21 between the owner and his or her canine
22 companion. By heeling, along with performing
23 other commands, the dog is reminded of the

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rules of proper behavior. This adds structure to their lives and shows them how to please their owners. Off leash exercise allows them to get the exercise they need, build off energy and socialize with the pack.

Responsible dog owners, more than one million in New York City, rely on the off leash privileges provided by the Parks Department. It has made our parks safer by attracting many responsible local citizens and their dogs during these early and late hours. As a professional trainer, I have seen many dogs that have benefited enormously because of the Parks Department courtesy off leash policy. I've seen puppies learn to run and play with other dogs of all ages and to become accepted into the pack, and as a result, without exception, these dogs are grown into well-balanced, confident and extremely friendly dogs. Thank you.

MS. ROBINSON: Thank you.

Is there another person here named

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Farhoody?

MS. ROBINSON: What's your name?

MS. OKAS: Daisy Okas.

MS. ROBINSON: Okay, yes.

MS. OKAS: Hi. I'm Daisy Okas. I'm from the American Kennel Club.

The commission advocates from Good Canine Health works to protect the rights of all dog owners, and is a proponent of responsible dog ownership. The AKC recognizes the special obligation of dog owners not only to their pets but also to their neighbors and communities.

Despite the numerous obstacles that the New York City environment presents for dog owners, dogs remain extremely popular in this City, a testament to the comfort and companionship they provide. Access to areas where dogs can exercise is essential to the quality of life for many New Yorkers. And in exchange for this privilege, we urge all dog owners to uphold their commitment to their pets

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and to their communities by behaving responsibly.

The AKC opposes the Juniper Park Civic Association's crusade against New York City Park Department to force the elimination of off leash hours in the City parks. While the AKC generally supports leash laws, New York City presents a unique challenge to dog owners, as few residents have yards or access to other outside places where their dogs may exercise. City officials have long recognized that by permitting restricted off leash hours. This arrangement reflects the fair compromise between various parties using the parks, and enables responsible dog ownership by providing an outlet for dogs to have exercise that is sufficient to meet the needs of their breed characteristics and individual nature.

If the City is forced to renege on this arrangement, one that has proven successful for twenty years, thousand of dog owners will be forced to choose between moving out of the

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City, giving up their dog, or depriving their pet of adequate exercise.

The American Kennel Club believes that New York City's current off leash rights should remain in effect City-wide, while leaving the City free to adopt rules specific to Juniper Valley Park within the City's discretion.
Thank you.

MS. ROBINSON: Deirdre Kidder.

DR. KIDDER: Good afternoon. My name is Dr. Deirdre Kidder. It's spelled D-e-i-r-d-r-e, K-i-d-d-e-r.

I live in and practiced in Park Slope Brooklyn for over twenty-five years.

Today I had written a whole speech about all of the things we have talked about today. I wanted to tell you how important off leash hours are to me and to the hundreds of people I'm here to represent. I planned to tell you how important it is that dog owners who enjoy off leash hours are among the most responsible citizens in the City, and about how we self

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police each other, and make sure the park is cleaner after we leave off leash time. We pick up not just after our own dogs, we pick up other people's litter. We love the park and all that it has to offer. I was going to tell you about dog people are among the biggest supporters of the associations that make New York City parks amazing, great parks. Prospect Park, Alliance, the Central Park Conservancy. I wanted you to know that all the years when I've been in the park during off leash hours, I have never seen a park worker, a jogger, a bicyclist or any other person ever bitten or injured by a dog. It's been my experience and I've been in the park for almost twenty years nearly every day.

I was going to tell you this and a whole lot more, but I got a telephone call this morning. A close friend of mine was just diagnosed with brain cancer. It's inoperable, it's tragic, she probably won't live for the rest of the year. She's a dog owner. Her

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world of love, friendship and support is with the people that she's met during off leash hours in the park. The people she has called, the people who really responded to her, to her needs, are the people she has formed community with in the park during off leash hours.

Somebody here was talking about this is all about the dogs. No, it's not. It's about people, it's about community. People with dogs together form community, and it forms community across all the lines, across race, across class, across age, across gender, across sexual identity lines, it doesn't matter. Dogs don't care if you're rich or poor. Dogs don't care what you're wearing. Dogs don't care about anything, excuse me, but having fun. And what my friend has learned is in this moment of crisis, it's people that she's formed community with as a result of her experience in the park with her dog, and the opportunity that they have together to form this kind of loving friendship with other people, who are enjoying

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the same privileges, and we recognize that it is a privilege to have off leash time.

She'll live as long as she lives, and she's going to live with the support and the friendship of the dogs and the people she's met through her dog walking, all before 9:00 o'clock in the morning.

When I spoke with her this morning, I'm sorry, I told her I would speak to you all today on her behalf. And she asked me to ask the following question to those people here who would like to take this privilege away from people like her, but I don't think you're even here anymore, are any of you here? No. Well, I'll ask the question anyway so it can go into the record. She asked me to speak to you today to please ask you how you would suggest we can replace this amazing community that dogs and their people have created every day in the parks around New York City before 9:00 o'clock in the morning. So on behalf of her and the hundreds of other people that could not be here

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today, I thank you for your time and attention.

MS. ROBINSON: David Singer? Is there somebody here named David Singer?

UNIDENTIFIED SPEAKER: No.

MS. ROBINSON: No, okay. Jane Hoffman? No. Betsy Goldman?

UNIDENTIFIED SPEAKER: Jane is coming.

MS. ROBINSON: Oh, Jane is here?

MS. HOFFMAN: Hi. My name is Jane Hoffman. J-a-n-e, H-o-f-f-m-a-n. And I'm speaking today as the chair of the New York City Bar Association committee on legal issues pertaining to animals. The committee was the first such bar association in the nation. I'm also the president of the Mayor's Alliance for New York City's Animals, but today I'm speaking on behalf of the Association of the Bar of the City of the New York.

The committee sponsors animal law conferences as well as evening programs that are open to the public in areas of interest such as human education, pets in housing,

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animal abuse and the violence connection, to name a few. The committee also publishes brochures regarding animal cruelty, access rights for people with disabilities and their service animals, and caring for your pet during hospitalization. We also comment on and draft legislation on the local, state and federal level.

The committee is very familiar with the language of the Health Code Section 161.02 concerning the restriction of animals, and the Parks Department rules Section 1-04(i), which enables the Parks Commissioner to permit animals off leash. It is also familiar with Section 533 of the City Charter, which empowers the Parks Commissioner to establish and enforce rules and regulations for the use, government and protection in the public parks.

The committee strongly supports the Parks Department policy of permitting off leash exercise and socialization of dogs in designated parks within the City between the

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2 limited hours of nine p.m. until the parks
3 close, and when they reopen until nine a.m. By
4 implementing this policy the Parks Department
5 has demonstrated both understanding and
6 responsiveness to the needs of New York's
7 City's more than one million dogs. This is
8 true both for those with homes and without. At
9 the same time, the Parks Department has
10 demonstrated both understanding and
11 responsiveness to the needs of New York's non-
12 dog owning public, as the off leash hours are
13 appropriately limited in both duration and
14 location. Access to areas and times that
15 enable dogs to exercise and socialize off leash
16 very likely contributes to keeping dogs that
17 already have homes in them and out of shelters,
18 as well as helping with the adoption of dogs
19 that otherwise would remain in shelters or be
20 euthanized. The policy also promotes
21 responsible dog ownership for the limited
22 duration and designated spaces permitted for
23 it.

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The committee believes that the limited off leash policy is a reasonable exercise of the Parks Commissioner's authority under existing regulations and also is critical to the proper health and social development of dogs and the well-being of their people.

For these reasons, the committee strongly supports the Health Department's proposed amendments to the Health Code Section 161.04, excuse me, .05, regarding vaccination and licensing, and hopes that the off leash policy will be strengthened by these changes. Thank you.

MS. ROBINSON: Betsy Goldman.

MS. GOLDMAN: Are you all tired of this?

MS. ROBINSON: Just keep going.

MS. GOLDMAN: Okay. My name is Betsy Goldman. B-e-t-s-y, G-o-l-d-m-a-n. I'm here on behalf of FACES, and it's Friends of Animal Care and Control.

You all probably know Animal Care and Control is the group in New York that's the

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shelter system, rescues the animals, caring for them. It's basically the only place where they would never -- they can't turn an animal away for whatever reason. Our biggest goal is to make New York City a no kill City. I know it's a dream but it's a great dream and we have it, and we feel like the only way to make it come true is to have more people adopt animals. The only way we can get people to adopt more animals is to make it easier for people to do that. One great and easy way to have a dog in the City is to be able to enjoy and experience those off leash hours.

I can tell you I moved here four and a half years ago from Atlanta, where there are a lot of different parks where your dog can be off leash and not, you know, all sorts of hours. I'm not complaining about New York, I'm just saying, when I got here I didn't know that. And I was living at 26th and 6th where my work put me up. And I could only find a dog run. Not that dog runs aren't good, but I was

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used to having these nice fields for Mosely to run around. And so he sat there in this dog run right when I moved here, and he just sat there on those pebbles, you know, there's pebble on the ground. And he stared at me like what is this. And I'm not, I know we're happy to have the dog runs and that shouldn't be what I'm telling you today.

So I found out about the park rule, and I moved to 58th and 6th, one block from Central Park, and I was so thankful, I cannot tell you how thankful I was. So that we could go to the park, and before nine and after nine. I mean it's not -- I feel like some of the people that want to take the law away are saying oh, your dogs are going to be running wildly all the time. This is after nine at night and before nine in the morning. I guess you guys know that at this point. But it's not like they're running wildly throughout the day, you know, at the prime time. I mean before nine and after nine at night.

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2 I never saw any children there after
3 nine at night ever. And I did feel much safer
4 knowing that people that I knew were off leash
5 with their dogs there. They're not going to be
6 there after nine at night if there wasn't the
7 off leash law, promise you. I'm not going to
8 Central Park at night for nothing, you know. I
9 mean but I felt safe. The point is that I
10 don't think I would feel so safe if there
11 weren't those people that I knew in this nice
12 community.

13 And this woman Deirdre that was speaking
14 about the community that you form with those
15 respectable and responsible dog people, that is
16 so true. I cannot tell you how much. You meet
17 the nicest, most responsible people. And there
18 was nobody -- no one was going to leave their
19 dog poop on the ground, I mean it would just be
20 outrageous. Nobody would do that in front of
21 the group. And we go there and we want the
22 park to be clean.

23 I just think it makes the City a better,

1
2 nicer community of people that you can meet
3 people and get to know them, you have a place
4 where your dog can be off leash. I mean how
5 would you like to be in a small New York City
6 apartment, and then when you go outside you're
7 still on a leash? I mean never any room to
8 move or breathe, you know, to run free and
9 play. I think it's important for all living
10 creatures.

11 And I know some of these people over
12 here said we were acting like the dogs are
13 people, but they're living, breathing creatures
14 who need places where they run and be free, not
15 just a tiny little, you know, area on a short
16 leash. And even, no offense to the great dog
17 runs, but not even just the small dog runs,
18 dogs need to run.

19 And one more point I wanted to make is
20 senior citizens, so many of them have nobody in
21 their lives but their pets. They can't run
22 after these dogs. I mean there's no way they
23 can keep up. So the dog has no chance of

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getting decent exercise if they're, you know,
going along with the poor old person in the
walker.

Anyway, everything else I was going to
say has been said. But I just hope you'll help
us create a more humane New York City and, you
know, for all people and all animals. Thank
you.

MS. ROBINSON: Pierre F.V. Merle.

MR. MERLE: Good afternoon. My name is
Pierre, P-i-e-r-r-e, last name is Merle,
M-e-r-l-e.

Good afternoon. You must be exhausted
and I salute your stamina. So I'm not going to
really say too much, maybe about two minutes at
the most. You've heard everything, you've
heard statistics, you've heard figures, you've
heard a lot of things I was going to say so I'm
not going to bore you with that.

But I'm from out of town. I've lived in
New York since 1973. I never planned on
staying here, but I've discovered this is the

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greatest City in the world and I marvel every day at how this City operates. The number of people it accommodates, the diversity, the activities. To me it is absolutely the most amazing City in the world. And as I walk through Central Park, I think the same thing.

Now, I'm somewhat parochial because I only know Central Park, I don't know these other parks. But the park itself is an amazing place. You've got the joggers, you've got the birders, you've got the cyclists, you've got people doing exercises. It accommodates everybody, and that's what makes this City so great. And I salute the administration of this City and the various agencies for making this the greatest City in the world.

And why is it the greatest City in the world, because we have a lot of freedom here. And this off leash law is one of the freedoms that we have. Please don't take it away. And when you have a freedom, you have a duty and you have a responsibility. And we have the

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freedom to have our dogs off the leash between nine p.m. and nine a.m., and we have the duty and responsibility to make sure that our dogs are well-behaved, well-mannered, and we clean up after our dogs. And that's what makes this City great.

Yes, it's a great City, it's a big City, and we are all often inconvenienced. There's a street parade, there's double-parking. There are street fairs. A lot of inconveniences in this City. And dogs may be an inconvenience to some people. The beauty in New York is we all get along, somehow we all survive.

So please don't take away one of the few joys, one of the great things and one of the most important things that we dog lovers love about New York City. And I think that the herculean decision was made by Commissioner Stone, I mean, I'm sorry, Mr. Stern, Henry Stern. And in this day and age of polarized societies, he said it all, and he's the man who made the initial decision. He said he had to

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make an equitable decision and he had to use common sense. And that's what he did. And I hope that this panel of the Health Commission will continue an equitable decision and a common sense decision to make the City a City that we can all love and all enjoy as well as respect the rights of others. Thank you very much.

MS. ROBINSON: Thank you.

Detroy Kistner. And you must spell your name.

MS. KISTNER: It's D-e-t-r-o-y, K-i-s-t as in Thomas, N as in Nancy, e-r.

MS. ROBINSON: That's what I had. Thank you.

MS. KISTNER: Thank you. And I'm writing this or speaking here today as the president of the Urban Canine Conservancy, a group of approximately 400 responsible Central Park dog owners, who depend upon off leash hours to exercise, train, and enjoy their dogs. I'm also a professional dog

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trainer who understands not just dog behavior but the highly socialized behavior of New York City dogs. We, by the way, have the best dogs in the country when it comes to being socialized with other dogs, strange people, and loud noises.

Dogs owners go into parks daily in the mornings and at night in heat and humidity, freezing cold and rain and snow. They do so because they love their dogs and recognize an animal's need for exercise, fresh air and a small bit of freedom. They take care to see that their dogs are both safe and close and not disturbing others. We pick up after our dogs and we alert anyone who hasn't. We only have our City parks and the hours almost nobody else wanted to use them.

I'd like to point out -- there's so much and what I was going to say was covered and know you're getting tired, that our leash laws date back to the time when dogs had distemper and rabies and there were no vaccinations, and

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the Dakota was in the country and you could take your dog anywhere. Frederick Law Olmsted was the designer, landscape architect of both Central Park and Prospect Park. He had a dog, he had a big dog, he had a Newfoundland, one of the biggest breeds. He went out daily with his dog and his gun.

When he designed the park there were many opportunities for anyone with a dog who wanted to take a walk in the woods or fields. There aren't anymore. This is all we have. I feel sure that, as he was a dog lover from the earliest times until late in his life and never was without a dog, that had he known the situation we'd be in now, he would have made some provisions for walking trails for dogs. I mean we have miles and miles of bridle paths that were very appropriate in 1853 when the park was conceived. But now in 2006 there are very few horses, but there are a great many dogs. When he designed the Sheep Meadow, that was for sheep. There was a shepherd and a herd

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and a German Shepherd herding it, and they all, including the shepherd, lived in what's now the Tavern on the Green. I have photos which I've submitted of people working in and among the sheep in Prospect Park and Central Park because he was concerned about the diminishing country and people interacting with nature and animals.

Now I find tourists come in in the mornings, the early rising tourists, and they walk among the dogs. And they are thrilled and they tell us stories about the dog that's waiting for them at home and they enjoy seeing the dogs romp and play.

I want to point out that dogs bring a billion dollars of income between food, vet care, training, grooming and toys into the City's economy. Dogs serve us, 24/7, leaders of our visually impaired. They cheer up our forgotten ill and elderly in hospitals and nursing homes. And we know they reduce stress and lower heart rates for many people just by

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2 petting. They do therapy work with children.
3 They guard our ports and airports and provide
4 security to us as an --, they find our injured
5 and lost in situations that endanger their own
6 lives, such as 9/11. They do what we can
7 not do, protection, and risk their lives doing
8 it.

9 Their reward from their handlers, all of
10 these dogs, is a soft touch, a kind word and
11 getting to dash after a ball. They are true
12 companions, loved by children, they are a
13 common beacon in a stressful City. They give
14 us their love, their optimism and their joy for
15 the little things in life, like running after a
16 tossed ball. They ask so little in return. As
17 one nice lady bird watcher said to me smiling
18 as my own dog was happily sniffing the grass,
19 bounding off leash after his ball, we all enjoy
20 our parks in different ways, even the dogs.
21 And that's how it should be, because there's
22 room for all of us.

23 MS. ROBINSON: Thank you.

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Paul Howacki?

MR. KOWACKI: That's Paul, P-a-u-l,
Kowacki, K-o-w-a-c-k-i. And I'm from Orange,
O-r-a-n-g-e, Massachusetts.

Thank you for having me. I first
wondered if I would even be allowed to speak as
a nonresident of the City. I guess I'm your
token nonresident for the day.

MS. ROBINSON: We wouldn't know.

MR. KOWACKI: I'm here in two
capacities. One as a nonresident who is a
regular user of the off leash privileges, and
another as a long time member of a Board of
Health and the current chairman of the Board of
Health in the town in which I live in
Massachusetts.

Let me speak first to my concerns and
thoughts regarding being a user. My wife and I
take in severely abused Golden Retrievers. We
rehabilitate them, they all end up getting
their Canine Good Citizen degree or certificate
from the AKC. And we bring them into New York

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City. We leave, we get up at 2:00 o'clock in the morning, well, we actually get up at one to leave at two so we can be here from six to nine to be in Prospect Park. Sometimes after we are done in Prospect Park we put them on the leash and we take them up to Little Bay Park in Queens, which is a fenced run. We'll stop at Tony's Deli on the way and pick up a grinder and we sit on the bench outside the run and then we take our dogs inside. And it's really one of the highlights our of our socialization. We are both busy professionals, we don't have time for a lot of the activities that other people would have.

We found that there's a community here of dog lovers and we fall right in with them. They're very responsible and concerned people and there's quite a network of people. People know each other. It was interesting when we first started coming into the parks people seem to know their fellow **park -- fell** dog owners dogs' names almost better than they do the names

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of the owners themselves. In fact, one person we met knew the names of dogs that this person had had previously over two or three generations. So it's quite a community. And we found it's important for our socialization, and by extension I'm sure, as has been mentioned, for the socialization and mental health and hygiene of the other, you know, of the other participants and residents of the City.

With regards to the dogs, they have a chance to exercise their obedience training. I'll frequently make them stop in the middle of their play and sit and wait until I tell them to come. They have an opportunity to freely socialize with other dogs and most especially with other dog owners. I've often had other dog owners participate in the obedience work with my dog, and they all do so willingly.

I've noticed, as has been mentioned earlier, that indeed people do put social pressure on each other to pick up after your

1
2 dog. And I have myself, as well as others,
3 picked up after those that perhaps didn't see
4 that their dog had pooped. So we found it to
5 be a very supportive community.

6 In terms of my observations as in the
7 unofficial capaCity as the Board member showing
8 up here and watching all of this activity, I
9 have an interest in trying to be as objective
10 as possible, which of course would be difficult
11 given my bias. But the activities that I've
12 seen, I haven't seen any of these attacks. I
13 haven't seen any of the negative activity. I'm
14 sure that the statistics are out there that
15 would indicate just how many dog bites or
16 attacks or perhaps the Parks Department has
17 more information on that. We just haven't seen
18 it.

19 As a benefit of the privileges I would
20 sincerely hope the Board would recognize the
21 benefit of continuing the off leash activity.
22 I know as a Board member myself that we have to
23 look at the facts, we can't go by popularity.

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I remember our issues in regard to smoking and secondhand smoke and body art and a number of other issues that we have had to deal with. And you simply can't sit here and listen to everybody's emotional stories one way or the other. We have to look at the facts. And it appears that the facts support the off leash activity.

I'm going to make a side note as well that the Boards, our board for one is considering off leash activity. That's one of the reasons that I'm here, I'm going to report back. And I'm sure that many boards around the country, with New York City being the premiere City, many other boards around the country are watching the actions of this event, so to speak, and to see the outcome in regard to this. Thank you.

MS. ROBINSON: Thank you.

Jean Mizutani.

MS. MIZUTANI: It's Jean Mizutani.

J-e-a-n, the last name is M-i-z-u-t-a-n-i.

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Hello everybody. Thank you for listening.

I'm from Middle Village as well. I'm the only one, other than Terri from Middle Village, speaking pro continuation of off leash hours.

I noticed that the other Middle Village people that came were the same group of cronies, the original group of cronies that launched this lawsuit.

Now, isn't it significant that there aren't a lot of people from all boroughs from all parks coming over here saying that they have been harmed, they have been hurt, they have been bitten. There's nobody other than the small group of Middle Village cronies. Why not? Because there hasn't been a safety issue. This is why they're not here. It is truly sad that a small group of cronies that has the very old-fashioned mindset based on very old-fashioned information is so prepared to be afraid and intimidated that they would seek to

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curtail this privilege for the rest of us.
I've been in that park day in, day out for five
years, and I'm telling you it has been a
peaceful and beautiful scene.

The bottom line is the dogs are here,
they're not going anywhere. They need to be
integrated into all communities as safely and
humanely as possible. And the truth is a
socialized dog is a safe dog. And let me tell
you that the owner of a socialized dog is a
very happy owner indeed.

One last thing that I would like to say,
when Mr. Holden and his colleagues
originally went to the Parks Department
last year, they demanded that the law be
enforced 24/7 without exception. The Parks
Department said, well, we might work with you
to install a run if that's the way your
community feels. They said, that is a threat,
we'll see you in court over my dead body.
These are quotes that I issue to you without
exaggeration. Because of that, there was never

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any conversation about alternatives.

Now, for most parks it probably works beautifully to allow space and time for dogs off leash, and I certainly am in favor of that. For a smaller park like Juniper a dog run might be the answer. The fact that they refuse to entertain that has led us here today. So please keep that in mind.

One further thing. Much of the information that was cited from the Parks Department website, it's also old. It's not only old-fashioned thinking, it's old-fashioned web pages, it's outdated information that really belongs in the past.

So in closing, can I just say please don't turn back the clock. This has proven to be successful. We're delighted with how this has worked out and we ask that you please retain those privileges. Thank you.

MS. ROBINSON: Drew Akasom.

MR. AKASOM: Good afternoon. My name is Drew, D-r-e-w, last name is Akasom,

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A-k-a-s-o-m.

I'm here today as a citizen and a user of Prospect Park every day for the last six and a half years. Pretty much I've been there with a dog in the morning during the hours. And as with everybody else, I've seen no particularly bad behavior I want to stress.

It seems to me that this is such a perfect example of what makes New York City work is the wise balance between the many competing interests and the many different communities. And that the issue as I understand the amendment before the Board of Public Health is simply to whether to codify a policy to permit the Department of Parks to make wise decisions and reasonable decisions after due discussion and debate as to the appropriateness of its facilities. And it seems to me that is so completely in the spirit of what makes New York City work and it is a great City. And I strongly support the amendment and the rationale behind it. Thank

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you.

MS. ROBINSON: Thank you.

Dan Matsis.

MR. MATSIS: Good afternoon. My name is
Dan Matsis. D-a-n, M-a-t-s-i-s.

I am a resident of the Upper West Side
since 1978. I grew up in Middle Village. I
remember a time when everybody walked their dog
on a leash. I can only give you some anecdotal
evidence and something that I read in the
media.

In September of 2004 at five p.m. I
entered Central Park through Central Park West
at 98th Street. I passed a children's
playground. A meadow was the next place I
passed. I was on the roadway when two
Rottweilers charged me. One mounted me with
his front paws. The owner was on the cell
phone, called them away. Nothing happened, I
didn't get injured. I couldn't -- I didn't
have a cell phone to call the police. And I
would not go near those dogs' dog collars to

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2 identify them by their leash licenses. So this
3 incident was not recorded, it is not included
4 in your statistics, because nobody is going to
5 approach these large dogs and report any
6 confrontation.

7 On another occasion I was at the 100th
8 Street tennis courts at Riverside Park. I
9 picked up a piece of trash as I walking along.
10 When I got to the receptacle by the entrance to
11 the tennis courts, a Labrador Retriever
12 positioned himself to my left and looked up at
13 the owner as if to say you get him from the
14 right, I'll get him from the left. They
15 thought that the trash was some kind of food.
16 The owner pulled the dog away and apologized.

17 On April 29th, 2003, during Commissioner
18 Benepe's term in office as Commissioner of
19 Parks, a 55 year old jogger was making his
20 regular jog along a meadow in Riverside Park at
21 about 109th Street, four blocks away from a dog
22 run. At the same time a dog owner was running
23 her French poodle and her French deer hunting

1
2 hound in a meadow off the leash. The jogger
3 was jogging regularly, trying to work off his
4 arthritis, that's the only thing us old folks
5 can do to relieve arthritis is move around, and
6 he picked up a stick because he knew that the
7 dogs were about to attack him. They had done
8 it before. And he hit the dog as it chased
9 him, pursued him. The police were called, he
10 was charged with malicious -- criminal mischief
11 against personal property.

12 I attended a few of his hearings, he had
13 five hearings at the criminal court. It cost
14 him about five hundred dollars for the lawyer
15 for each one. I recommended to him you have a
16 statutory right to defend yourself against dog
17 attacks under the Agriculture & Markets Law,
18 Section 121. And he asserted it but he decided
19 to plead guilty anyway to the criminal mischief
20 charge to end the matter and end the
21 hemorrhaging of fees.

22 The dog owner expressed contempt for the
23 leash law. This is her statement to a reporter

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from the West Side Spirit Community Newspaper on May 5th, dated May 15th, 2003. But the dog owner, an author and illustrator who says she's an upstanding citizen otherwise, unleashes her dogs regularly because the City, Commissioner Benepe, seems to feel the law, like a good house dog, was made to be broken.

Commissioner Stern, Commissioner Benepe do not enforce your leash law. They never have. This woman never received a summons for running her dogs off the leash, was never arrested for assault. A park ranger was probably there, he could have issued her a summons, he did not.

Now, the Juniper Park Civic Association comes along and sues Commissioner Benepe for its malfeasance for not enforcing your Department of Health's leash law. What do the Mayor and Commissioner Benepe do? They conspire to obstruct the Supreme Court's prosecution of them by asking this Department, the Department of Health, to legally cede its

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(inaudible) to the Parks Department.

MS. ROBINSON: Mr. Matsis?

MR. MATSIS: Is that an appropriate response?

MS. ROBINSON: If you'd like to submit your written remarks we'll accept them.

MR. MATSIS: I don't have them, but I have copies of that article.

MS. ROBINSON: Okay. Whatever you'd like to submit.

MR. MATSIS: I have a newspaper article.

MS. ROBINSON: That's fine.

Catherine Beason.

MS. BEASON: Hi, my name is Catherine Beason. C-a-t-h-e-r-i-n-e, B-e-a-s-o-n.

I'd like to thank the Department of Health for proposing such a reasonable and compassionate amendment to City law.

I am president of Animal Friendly NYC, which is a political action committee which will work for laws that are good for animals. This is a good law for animals.

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I want to make three very quick points because you've heard a lot.

One, New York City dog owners have done something remarkable, and that is they have added a City amendment to our civic life, and that's the dog runs. Fifteen years ago they didn't exist, and now they do. And that's because dog owners got together, put in their time, put in their money, worked with the entire City bureaucracy to create dog runs. We now have, I think the number is forty-four. They're quite wonderful. That's a significant achievement. And I think if you look at dog owners in New York City you'll see them as among the most active, the most responsible citizens in the City. They truly should be our role models.

My second point is that wonderful as all of these dog runs are, there are only 44 in the City, and they are mostly in affluent areas, because it's mostly people with time and money who have the time to create the dogs runs. So

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if we lose off leash privileges, there are New Yorkers living in much of the City without dog runs who will lose the use of what are common parks to the detriment of their dog's well-being and also their own well-being.

And there's another group of New Yorkers who I think will lose if we lose off leash recreation, and that's older dog owners who cannot make it to a dog run but are close to a park. My 90 year old neighbor and friend often let her dog Gigi out in a little strip of Riverside Park, not in the general part of the park, early in the morning. And she went there because it was too difficult for her to get to the dog run, which is quite a good dog run, but it was a little far away. And having that little patch of ground for Gigi to run in was really crucial for Gigi to run off her energy as a young dog. And the benefits extend to my friend as well, who told me that she thought that the walking of Gigi kept her physically agile and gave her a steadiness that made her

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younger than her years. And she is now 90 and she looks 70.

But I think we know and we all agree it's in the City's interest to do everything we can to keep senior citizens healthy. I think keeping off leash hours is a small and simple contribution to that. And again, I commend you for taking steps to formalize what has been a privilege. I think it's good for dogs and I think it's good for their people.

MS. ROBINSON: Thank you.

John Ost.

MR. OST: Good afternoon. My name is John Ost. That's J-o-h-n, last name O-s-t.

Let me say that my remarks are not intended to insult any of the good people who have already spoken here, who are probably very responsible dog owners who live in our City. I myself live downtown. I live about five blocks from here in a multi-towered housing complex with about one thousand six hundred families living there.

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As an animal lover and former dog owner, I would like to comment on the proposal to enable the Parks Department to allow unleashed dogs in certain park areas between the hours of nine p.m. and nine a.m.

There are bad ideas and there are really bad ideas. This change in the leash law is a really bad idea. There are many reasons why allowing dogs off leash in parks is a bad idea. Let me discuss a few issues.

First is the premise that dogs owners will obey a law. According to a recent Daily News article, many do not. The information that I had read is there are over 800,000 unlicensed dogs in the City of New York. Now, I have heard other statistics here today. I have an article that I'm going to leave with you, it's actually a December 28th, 1997 Daily News article. In that article it talks about approximately one million dogs, only 85,000 of those one million dogs were licensed. This is a Daily News article from 1997.

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Are we to assume that 800,000 dog owners who fail to comply with the licensing law will have properly vaccinated their pets? I don't think so.

Let's look at the cleanup or pooper scooper law. Many dog owners clean up after their dogs. Most likely all of the people who were here today. But many do not. An examination of the streets and sidewalks of the City of New York will clearly demonstrate that fact. Who is going to check licenses and enforce the vaccinations and the cleanup laws between nine a.m. and nine a.m. seven days a week? If the cleanup laws are not enforced in the parks, are daytime park users, seniors and small children, to walk or play in dog feces? Also, rats, ever present in the City of New York, use dog droppings for moisture. Are we to risk assisting in the maintenance of a rat population?

Let's talk about dog bites. I'm going to offer this article, also from the Daily

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News, Sunday April 30th, 2006, where a dog, at least the title "Dog Was a Known Terror." It's a Rottweiler, who apparently attacked a small toddler, four year old, actually followed the child into his house where the mother had to beat it off with a scooter. Are we going to take a chance on this happening in our parks?

An unleashed animal is difficult to control. Some dogs don't like each other. They may attack each other. By the time the owner becomes aware of their dog's action, the dog bite has already happened. An unrestrained dog could well run out of the park and bite someone on the street. Here come the lawsuits, with the City being accused of facilitating dog attacks by providing an opportunity for a dog owner to allow the dog to be unrestrained. Will we be forced to post signs to the effect that you use the park at your own risk and beware the unleashed dogs between nine p.m. and nine a.m.?

Who will be in each and every park to

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ensure that no one unleashes their dog before 8:59 p.m., and that unleashed dogs are again leashed before nine a.m.?

As things stand now, let me assure you that present enforcement of dog regulations on City streets is sparse if it exists at all. Residents in my housing complex of over 1,600 units have had no success using the 311 complaint system to ensure leash law and cleanup law compliance. I would not expect any great success in park enforcement of these same laws.

Also, there is a prevalence now of retractible leashes, despite the Health Code that requires the six foot maximum leashes. Many people use the retractible leash.

Of further significance is the fact that some people are allergic to dogs, and still others are afraid of dogs. How will those individuals be assured that they will not be approached perhaps by an animal simply being friendly? What about attacks on other park

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animals, squirrels? My dog used to love to run after squirrels.

In conclusion, this is not a good proposal. And I urge the Board not to modify the law in this statute. There is a mechanism to propose dog runs in parks through community boards, where they can receive a full hearing and protect all park users. Thank you for the opportunity to testify.

MS. ROBINSON: All right.

Brian Zapin? Is he here? Z-a-p-i-n?

(No response)

MS. ROBINSON: Dr. John Sangiorgio?

DR. SANGIORGIO: It's John, J-o-h-n, Sangiorgio, S-a-n-g-i-o-r-g-i-o.

Hello. Today I'm representing the Veterinary Medical Association of New York City. This is an official statement from them.

After consideration of the off leash law, the Veterinary Medical Association of New York City, representing the practicing and retired veterinarians of New York City, gives

1
2 its full support to amending Article 161.05.
3 It is our educated opinion that off leash
4 exercise provides dogs and citizens
5 recreational time, thereby increasing
6 interaction of humans and animals. This
7 interaction would reduce animal anxiety and
8 reduce the propensity for animals to injure
9 people. The Veterinary Medical Association of
10 New York City will provide petitions and update
11 our clients on this matter.

12 We will be happy to respond to any
13 specific questions in this matter. Please
14 address any questions to the Veterinary Medical
15 Association of New York City, and it gives the
16 address.

17 MS. ROBINSON: Thank you.

18 Dr. SANGIORGIO: Okay.

19 MS. ROBINSON: Ellen Mandelbaum.

20 MS. MANDELBAUM: Yes. Ellen, E-l-l-e-n.
21 Mandelbaum, M-a-n-d-e-l-b-a-u-m.

22 I'm here on a very personal, possibly
23 very corny mission. I'm representing my dog.

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I'm sure you know, that's a border collie. He was called a border collie mix when we got him from North Shore Animal League.

And at the time I got him I was a little apprehensive. I knew that border collies were said to be the smartest of the dogs and that they needed special care, special stimulation and special exercise. As a matter of fact, the aid who was volunteering and showed him to me cautioned me, don't take that dog home unless you're really going to take good care of him. He came from a shelter in Pennsylvania and we don't want him to have rejection again.

So this was our fourth collie mix. And I was taking it very seriously. We had just lost the dog ahead of him. I wasn't sure, if I didn't get Nobby I wasn't sure that I would have the guts to get another dog because it's so traumatic to lose a dog. But I brought him home, with appropriate references from North Shore Animal League.

The first couple of weeks he was

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horrible the way that new dogs and six month old puppies can be. He chewed my husband's shoes and he did all that kind of a thing. And I was really concerned that we weren't going to give him the appropriate exercise and the stimulation.

Then I heard that a group met in the local park. It isn't even a green park but a concrete park. They met every night, I guess around it was around 9:00 o'clock. And we went there. At first I was concerned about letting him loose, I didn't want him to escape into traffic for his own sake. He was dragging a leash and the people there said no, don't do it, were going to trip on it, it's not safe for us. Finally I let Nobby loose. And he proved to be quite wonderful in that setting.

I told my husband look, if we are going to keep this dog, we had thirty days to return him, and it was inconceivable what to do if, you know, if we were going to put him through this. And I said you're going to have to take

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that dog to the shelter to --, not to the shelter, to the park every night, and he said okay, I will.

My husband is a professor of music. This was a big change in his routine. Some people said that it was the best thing that had happened to Joe. And he has taken him every night, in some of the worst weather too. Nobby's fine.

When I heard about the hearing today, I said oh, my God, what is going to happen to this dog if he doesn't have that special exercise. He had come to the point, we finally figured out he was herding the other dogs. When they began to rough house, he would run around them. In the summer he had a very strange habit of sitting by the drinking fountain waiting for the kids to spritz him with water. Then he didn't get so much exercise.

I sat here through all of the things that people have said, and I wanted to give you

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a personal point of view because I was really
concerned what's going to happen to Nobby.
Thank you.

MS. ROBINSON: Muffett Jones?

(No response)

MS. ROBINSON: Jordan Krown?

(No response)

MS. ROBINSON: Okay. Mary Bastian?

(No response)

MS. ROBINSON: Is there anybody whose
name I haven't called who wishes to speak?

(No response)

MS. ROBINSON: Okay, this hearing is
presently adjourned then. Thank you.

(Time noted: 5:15 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Registered
Professional (Stenotype) Reporter and Notary
Public with and for the State of New York, do
hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not related,
by blood or marriage, to any of the parties in
this matter and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 17th day of November, 2006.

KARI L. REED, RPR