

JPCA Press Release

Parks Commissioner Benepe puts muzzle on NYC community boards

Will not allow local input from boards on unleashed dog issue. JPCA lawsuit against Benepe Moves Forward.

(Middle Village, NY August 8, 2006) On May 31, 2006 the Juniper Park Civic Association obtained an Order to Show Cause in the New York State Supreme Court against the NYC Department of Parks & Recreation for allowing dogs to run off their leashes from 9pm to 9am in violation of the NYC Health Code.

The JPCA took this action after 8 years of asking Parks Commissioners to stop endangering park users by promoting the clear violation of the NYC Leash Law. On June 27th, at a hearing in Queens Supreme Court, Judge Peter Kelly asked that representatives of both sides try to reach a compromise on the civic association's lawsuit.

The two sides met on July 7th at the Arsenal, Parks' headquarters in Central Park. Parks offered that it would enforce the leash law in Juniper Valley Park if the JPCA agreed to allow a dog run there. JPCA attorney Gabriel Tapalaga reminded Queens Parks Commissioner Lewandowski and Parks attorneys that the JPCA lawsuit was on behalf of all NYC Parks and a dog run in Juniper Park would not address the city wide problem. Additionally, since the JPCA is not a city agency it is not in a position to accept or decline a dog run in any park.

The JPCA offered a workable and real compromise. As mandated by the NYC Charter, Parks is required to work with community boards. Since the community board structure is already set up it would be a perfect fit to let each community board decide on whether or not a local park or parks should opt out of the (unofficial) off-leash courtesy hours. Since some parks are adjacent to schools and churches it would be logical to let each community board study the situation and vote to opt out or allow unleashed dogs in particular parks during the 9pm to

9am hours.

Although the JPCA still recognizes that no commissioner has the authority to encourage NYC residents to break the law, the civic was willing to compromise in order to find a reasonable solution to the problem.

However on Monday, August 7th, an attorney for Parks informed Gabriel Tapalaga that although reasonable, the JPCA proposal was rejected by Commissioner Benepe. "It's obvious that Commissioner Benepe does not want to make a decision on this issue, he would rather leave it up to the judge," said Robert Holden, president of the JPCA. "I don't see how the judge could condone the actions of a commissioner who willfully places park users in harms way, disregards the law and actually tells dog owners to violate the law," he said.

Holden said that when the commissioner assumed office he took an oath to uphold the laws of New York City. The leash law is one of those laws. "While agencies have discretion when enforcing particular laws it is an entirely different matter to actively encourage the violation of the law," said Tapalaga.

Commissioner Benepe is also sending a terrible message to community boards that he is not interested in their opinions or input. In June, Community Board 5 of Queens voted unanimously to enforce the leash law at all times within district parks. Benepe once again ignored the board's vote. "This brings up serious issues when a commissioner also ignores the spirit of the NYC Charter...it's wrong for Commissioner Benepe to ignore the wishes of a community board when he doesn't agree with them," said Holden.

The Queens Civic Congress, representing 104 civic associations, in March voted unanimously to support the Juniper Park Civic Association lawsuit.

For more information please call: 718-651-5865.