



## **Programs & Services Committee Report**

### **City of Newton** **In City Council**

**Wednesday, September 6, 2023**

Present: Councilors Krintzman (Chair), Noel, Humphrey, Greenberg, Albright, Baker, and Ryan

Absent: Councilor Wright

Also Present: Councilors Danberg and Norton

City Staff: Linda Walsh, Commissioner of Health and Human Services; John Sisson, Economic Development Director; Jill Mercurio, Library Director, Nicole Banks, Commissioner of Parks Recreation and Culture; Jennifer Wilson, Assistant City Solicitor; Jini Fairly; ADA Coordinator; Jonathan Yeo, Chief Operating Officer; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [09-06-23 Programs & Services Committee Meeting - \(Youtube.com\)](#)

**#280-23      Appointment of Paul Holt as a Newton Library Trustee**

HER HONOR THE MAYOR appointing Paul Holt, 75 Andrew St, Newton as a Newton Library Trustee for a term of office set to expire on June 30, 2026. (60 Days: 10/13/2023)

**Action:**      **Programs & Services Approved 5-0 (Councilors Baker and Noel Not Voting)**

**Note:**      Mr. Holt joined the Committee and noted his appreciation for the Library and that he has increased usage of library services since retiring. He also described his professional experience with fundraising and how that will aid him as a Newton Library Trustee. Multiple Councilors expressed support for his appointment at the Committee voted 5-0 (Councilors Baker and Noel Not Voting) on a motion to approve from Councilor Ryan.

**#281-23      Appointment of Susan Harvey as a Newton Library Trustee**

HER HONOR THE MAYOR appointing Susan Harvey, 146 Oliver Road, Newton as a Newton Library Trustee for a term of office set to expire on June 30, 2027. (60 Days: 10/13/2023)

**Action:**      **Programs & Services Approved 5-0 (Councilors Baker and Noel Not Voting)**

**Note:**      Ms. Harvey joined the Committee and noted how libraries are a celebration of creativity and community along with her appreciation for the Library. Her background is in politics along with having worked for Blue Cross Blue Shield and other larger organizations. Currently,

she runs a boutique consulting firm. A Councilor asked Ms. Harvey to identify one thing she likes about the library and one thing she would change. Ms. Harvey noted appreciation for the removal of fines and recommended that the Library continue to look forward on how to evolve to not become stagnant. Committee members voted 5-0 (Councilors Baker and Noel Not Voting) on a motion to approve from Councilor Humphrey.

**#298-23      Appointment of Sheila Butts to the Parks and Recreation Commission**

HER HONOR THE MAYOR reappointing Sheila Butts, 112 Spiers Road, Newton Centre as the Ward 8 member of the Parks and Recreation Commission for a term of office set to expire on September 18, 2025. (60 Days: 11/04/2023)

**Action:**      **Programs & Services Approved 6-0 (Councilors Baker Not Voting)**

**Note:**      Ms. Butts joined the Committee and noted that she has been a longtime resident of Newton and was a former employee of the City of Newton. She thanked the Mayor and Nicole Banks, Commissioner of Parks, Recreation and Culture, and looks forward to serving on the Commission. Multiple Councilors expressed support for this appointment and one Councilor asked for her suggestion on an optimal way to ensure the Department has enough resources for projects. Ms. Butts noted the need for funding to come not only from the Budget but also from usage fees which the Department has been charging. Committee members voted 6-0 (Councilor Baker Not Voting) on a motion to approve from Councilor Ryan.

**#299-23      Appointment of John Lovett III to the Commission on Disability**

HER HONOR THE MAYOR reappointing John Lovett III, 497 Boylston Street, Newton as a member of the Commission on Disability for a term of office set to expire on September 18, 2026. (60 Days: 11/04/2023)

**Action:**      **Programs & Services Approved 6-0 (Councilors Baker Not Voting)**

**Note:**      Mr. Lovett joined the Committee and spoke regarding his personal connection to the disabled community. In serving on the Commission on Disability he stated that he has no specific agenda but hopes to bring a unique perspective as a younger voice along with his experience working for the City of Newton. Councilors voted 6-0 (Councilor Baker Not Voting) on a motion to approve from Councilor Noel.

**#66-23      Discussion and possible amendment to Sec. 12-72**

COUNCILORS DANBERG, LEARY, GREENBERG, ALBRIGHT, NORTON, KELLEY, MALAKIE, WRIGHT, MARKIEWICZ, CROSSLEY, DOWNS, NOEL, BOWMAN, RYAN, KALIS, LIPOF, OLIVER, HUMPHREY, AND LUCAS requesting discussion and possible amendment to Section 12-72 "Sustainable Containers, Packaging and Single Use Ordinance" to further reduce the amount of single use plastic in Newton.

**Action:**      **Programs & Services Approved 7-0**

**Note:**      The Chair noted that before the meeting the Committee had received a revised version of the ordinance than what originally appeared in the Friday Packet. The revised version is attached. The changes in this version compared to the one that originally appeared in the Friday

Packet include a uniform effective date of March 1, 2024, and exempting containers less than 4 ounces from being reusable, compostable, or recyclable. The docketing Councilor also proposed a further revision to change the prohibition on the intentional release of helium-filled balloons to it being strongly discouraged. This revision was made at the request of Linda Walsh, Commissioner of Health and Human Services. Commissioner Walsh stated that this proposed revision is due to issues regarding enforcement. Multiple Councilors expressed concern with this proposed revision stating that having the intentional release being strongly discouraged instead of prohibited would not effectively prevent this from happening. Jonathan Yeo, Chief Operating Officer, stated that the City would not grant permits to events that plan to intentionally release helium balloons and it will be added to the rules and regulations for public parks. Committee members voted 3-4 (Councilors Greenberg, Albright, Baker, and Ryan Opposed) on a motion to retain the prohibition on the intentional release of helium balloons.

A Councilor asked for clarification on the section of the ordinance about single-use accessories. Mr. Gordon noted that this section would prohibit the auto-inclusion of utensils and condiment packets with a takeout order. Restaurants can have a self-service option and ask customers if they would like condiment packets or utensils included. Multiple Councilors expressed interest in taking another look at this ordinance in the future.

Councilors voted 7-0 on a motion to approve from Councilor Ryan.

**#291-23      Reappointment of John Neville to the Parks and Recreation Commission**  
HER HONOR THE MAYOR reappointing John Neville, 68 High Street, Newton Upper Falls as an alternate member of the Parks and Recreation Commission for a term of office set to expire on September 30, 2024. (60 Days: 11/04/2023)

**Action:**      **Programs & Services Approved 7-0**

**Note:**      Item #291-23 was read into the record. Councilors expressing no concern relative to the reappointment and voted 7-0 on a motion to approve from Councilor Humphrey.

**#292-23      Reappointment of Elizabeth Wilkinson to the Parks and Recreation Commission**  
HER HONOR THE MAYOR reappointing Elizabeth Wilkinson, 14 Trowbridge Street, Newton Centre as the Ward 6 member of the Parks and Recreation Commission for a t-erm of office set to expire on September 30, 2026. (60 Days: 11/04/2023)

**Action:**      **Programs & Services Approved 7-0**

**Note:**      Item #292-23 was read into the record. Councilors expressing no concern relative to the reappointment and voted 7-0 on a motion to approve from Councilor Noel.

**#293-23      Reappointment of Byron Dunker to the Parks and Recreation Commission**  
HER HONOR THE MAYOR reappointing Byron Dunker, 10 Southwick Road, Waban as the Ward 5 member of the Parks and Recreation Commission for a term of office set to expire on September 30, 2026. (60 Days: 11/04/2023)

**Action:**      **Programs & Services Approved 7-0**

**Note:** Item #293-23 was read into the record. Councilors expressing no concern relative to the reappointment and voted 7-0 on a motion to approve from Councilor Humphrey.

**#294-23      Reappointment of Arthur Magni to the Parks and Recreation Commission**  
HER HONOR THE MAYOR reappointing Arthur Magni, 107 Mount Vernon Street, West Newton as the Ward 2 member of the Parks and Recreation Commission for a term of office set to expire on September 30, 2026. (60 Days: 11/04/2023)

**Action:**      **Programs & Services Approved 7-0**

**Note:** Item #294-23 was read into the record. Councilors expressing no concern relative to the reappointment and voted 7-0 on a motion to approve from Councilor Albright.

**#295-23      Reappointment of John Schwartz to the Biosafety Committee**  
HER HONOR THE MAYOR reappointing John Schwartz, 200 Upland Road, Newton as a member of the Biosafety Committee for a term of office set to expire on September 30, 2026. (60 Days: 11/04/2023)

**Action:**      **Programs & Services Approved 7-0**

**Note:** Item #295-23 was read into the record. Councilors expressing no concern relative to the reappointment and voted 7-0 on a motion to approve from Councilor Albright.

**#296-23      Reappointment of Dina Conlin to the Licensing Board**  
HER HONOR THE MAYOR reappointing Dina Conlin, 46 Shornecliffe Road, Newton as a Democrat member of the Licensing Board for a term of office set to expire on June 4, 2029. (60 Days: 11/04/2023)

**Action:**      **Programs & Services Approved 7-0**

**Note:** Item #296-23 was read into the record. Councilors expressing no concern relative to the reappointment and voted 7-0 on a motion to approve from Councilor Albright.

**#297-23      Reappointment of Michael Goldman to the Farm Commission**  
HER HONOR THE MAYOR reappointing Michael Goldman, 14 Saxon Terrace, Newton Highlands as a member of the Farm Commission for a term of office set to expire on July 31, 2026. (60 Days: 11/04/2023)

**Action:**      **Programs & Services Approved 7-0**

**Note:** Item #297-23 was read into the record. Councilors expressing no concern relative to the reappointment and voted 7-0 on a motion to approve from Councilors Noel and Ryan simultaneously.

The meeting adjourned at 8:25pm.

**Respectfully Submitted,**  
**Josh Krintzman, Chair**

**Proposed expansion of plastics reduction efforts**

Newton has banned plastic bags since 2018 and polystyrene foam in 2020. These ordinance changes were put in place to reduce single use plastics consumed in the City of Newton. A working group has been working to complete this proposed ordinance for the last 2+ years. During that time, the group has met with key stakeholders in the city (Mayor Fuller, Commissioner Walsh, John Sisson, the law department, a representation from the schools, and more), with Newton Wellesley Hospital, with Greg Reibman and the Charles River Regional Chamber, and others. Based on feedback from all stakeholders and the Programs & Services Committee, edits and compromises were made to the originally proposed ordinance. The ordinance in its current form was voted out unanimously by Programs & Services on September 6, 2023.

The proposed ordinance will further expand the reduction of single use plastics. Specifically, this ordinance includes the following:

- All retail stores that sell single use dishware (paper plates, plastic utensils, etc.) and packing materials must ensure that these items are reusable, recyclable, or compostable.
- Full service/sit-down restaurants will be required to use reusable dishware.
- All food establishments are required to distribute (i.e. for takeout) food/drinks in dishware and containers (larger than 4oz) that are reusable, recyclable, or compostable. Similar to polystyrene containers that were banned previously, certain takeout containers such as black plastic are not recyclable.
- All food establishments shall only provide single use accessory items (straws, napkins, utensils, chopsticks, condiments, etc.) upon request or at self-service stations. (This is also known as “Skip the Stuff”, and there is a national movement to support such legislation.)
- The City of Newton, including our public schools, must serve prepared foods/drinks in dishware/containers that are reusable, recyclable, or compostable and may only distribute condiment packages upon request.
- The intentional release of helium balloons is strongly discouraged.

Several Massachusetts municipalities already require that food service ware be reusable, compostable, or recyclable, including Andover, Brookline, Concord, Manchester-by-the-Sea, Northampton, Revere, and Williamstown. Many other communities around the country (in California, for example) and world (including Canada and several countries in Europe) have similar bans in place. Several communities have banned the intentional release of helium balloons, and a number have implemented Skip the Stuff.

Passing this ordinance will enable Newton to join with our peer communities around the state, the country, and the world in further limiting the prevalence of single use plastics. Reducing single use plastics has a measurable impact on reducing our carbon footprint, reducing trash volume, reducing litter on our streets, improving environmental health, and improving human health. Across the board, the benefits are substantial.

CITY OF NEWTON  
IN CITY COUNCIL

\_\_\_\_\_, 2023

BE IT ORDAINED BY THE NEWTON CITY COUNCIL AS FOLLOWS:

That the Revised Ordinances of Newton Massachusetts, 2017, as amended, be and hereby are further amended as follows:

Amend section 12-72 to ARTICLE IX. of Chapter 12 by replacing it in its entirety with the following

Section 12-72 Sustainable Food and Beverage Serveware, Packaging, and Single Use Items

- (a) Short Title. This section may be cited as the “Sustainable Food and Beverage Serveware, Packaging, and Single Use Ordinance” of the City of Newton.
- (b) Purpose: The purpose of this ordinance is to reduce the overall environmental impact of the City of Newton, its residents, and its businesses. Single use plastic has a significant impact on the environment through its carbon footprint, waste management, pollution, and more. The provisions of this ordinance will reduce the amount of single use plastic used throughout the City.

- (c) Declaration of findings and policy- Scope

The city council hereby finds that the prohibition of the sale and use of certain single use plastic items by food service and retail establishments in the City of Newton is a public purpose that protects the public health, welfare and environment, advances solid waste reduction, protects waterways, and reduces the carbon footprint of the City’s business and residents.

- (d) Definitions

The following words, unless the context clearly requires otherwise, shall have the following meanings:

“Accessories” means any food and beverage serveware items that are not dishware and containers. The term “accessories” as used in this section includes, but is not limited to, straws, forks, spoons, knives, chopsticks, stirrers, condiment packages, and napkins.

“Commissioner” means the commissioner of health and human services of the City of Newton.

September 6, 2023

“Compostable” means a product comprised of i) wood or fiber-based substrate only; or ii) bioplastic or other organic materials that break down in a compost pile within a set amount of time into safe material, and that is certified as such by the Biodegradable Products Institute (BPI), Compost Manufacturing Alliance (CMA), or OK Compost/TUV. Any bioplastic product must be clearly labeled with the applicable standard on the product. Products marked “compostable” or “biodegradable” that are not certified and marked as such may contain unsafe and toxic materials such as PFAS.

“Dishware and Containers” means all containers, bowls, plates, trays, cartons, cups, lids, film wrap, and other items on or in which prepared foods and beverages are packaged or directly placed.

“Foam polystyrene” means a non-biodegradable petrochemical thermoplastic made from aerated forms of polystyrene and includes several methods of manufacture. Expanded polystyrene (EPS) or extruded polystyrene (XPS) are forms of polystyrene. “Styrofoam” is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to foam polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials and egg cartons. The products are sometimes identified by a #6 resin code.

“Food Establishment” means a retail establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including, but not limited to, any establishment requiring a permit to operate in accordance with the Massachusetts Retail Food Code, 105 CMR 590, as it may be amended from time to time.

“Full Service Food Establishment” means a food establishment where customers are seated at a table either by waitstaff or by themselves, and where orders are taken and served by waitstaff at the table.

“Packing material” means materials used to hold, cushion, or protect an item packed in a container for shipping, transport, or storage. The term “packing material” as used in this section includes, but is not limited to, packing “peanuts”, shipping boxes, coolers, ice chests, or similar containers.

“Prepared food” means any food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises where the food or beverages are to be served. For the purposes of this Section 12-72, prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar retail appliance.

“Recyclable” refers to material that can be sorted, cleansed, and reconstituted using the City’s curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. Such materials must be accepted and recycled by the Materials

Recovery Facility (MRF) that receives Newton's residential curbside recycling. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Retail establishment" means a business establishment engaged in the retail sale of goods directly to consumers.

"Reusable" refers to food and beverage serveware that will be used multiple times in its same form by a food establishment. Such products are intended to be washed multiple times in a commercial dishwasher and to retain their form and function over multiple usage and washing cycles.

"Single Use" means food and beverage serveware, that is not reusable, as defined above, and are designed to be used once and then discarded, and not designed for repeated use and sanitizing.

- (e) Prohibited use and distribution of certain food and beverage serveware and single use items.
- (i) Prohibition of the following items took effect on January 1, 2020, and shall continue to be in effect as of the effective date of this ordinance.
    - (1) Food establishments are prohibited from dispensing prepared food or beverages to any person in single use food containers made from foam polystyrene.
    - (2) Food establishments are prohibited from dispensing plastic stirrers.
    - (3) All food establishments are strongly encouraged to use reusable food serveware in place of using single use food serveware for all food served on the premises. Food establishments using any single use food serveware and stirrers are strongly encouraged to use biodegradable, compostable, reusable or recyclable food serveware and stirrers.
    - (4) Retail establishments are prohibited from selling or distributing single use food containers made from foam polystyrene to customers.
    - (5) Retail establishments are prohibited from selling or distributing to customers any packing material that is made in whole or in part from foam polystyrene.
  - (ii) The following prohibitions shall take effect on March 1, 2024.
    - (1) The intentional release of helium filled balloons is prohibited. Any helium balloons must be sold with weighted attachments designed to limit unintentional release.
    - (2) Retail establishments are prohibited from selling or distributing dishware and containers that are not reusable, compostable, or recyclable to consumers. This prohibition includes, but is not limited to, dishware and containers made



from black plastic, foam polystyrene, or paper lined with polyethylene or other petroleum-based plastic.

- (3) Retail establishments are prohibited from selling or distributing packing materials that are not reusable, compostable, or recyclable to consumers, including, but not limited to, those made from foam polystyrene.
- (4) Food establishments are prohibited from dispensing prepared food to any consumer in dishware and containers larger than 4 ounces that are not reusable, compostable, or recyclable. This prohibition includes, but is not limited to, dishware and containers made from black plastic, foam polystyrene, or paper lined with polyethylene or other petroleum-based plastic.
- (5) Food establishments may not automatically provide single use accessories, including in takeout orders, whether orders are placed online, via phone, or in person. Such single use accessories may be provided only upon the request of the consumer either directly or in response to an inquiry by the food establishment. Single use accessories may not be prepackaged in sets. In addition, food establishments may have single use accessories available at self-service stations.
- (6) The City of Newton is prohibited from serving a) prepared food or beverages in dishware and containers that are not reusable, compostable, or recyclable; and b) single use condiment packages. Notwithstanding the foregoing, the City of Newton may distribute condiment packages upon request.
- (7) Full service food establishments shall utilize only reusable food and beverage serviceware for dine-in customers.

(f) Effective date. The effective date shall be upon passage of this ordinance or as otherwise specified herein.

(g) Enforcement

1. Fine. Any food or retail establishments which violates any provision of this section or any regulation established by the Commissioner shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation continues shall constitute a separate offense.
2. Whoever violates any provision of this section or any regulation established by the commissioner may be penalized by a noncriminal disposition as provided in G.L. c. 40, Sec 21D.
3. Any retail or food establishment may contest whether specific items are allowable under this Section by providing written documentation that the item is recyclable from both their city-permitted waste/recycling hauler and associated MRF, or

compostable from their commercial organics hauler and associated compost endsite.

4. In the event that the commissioner determines that compliance with any provision of this Section 12-72 is not feasible due to industry wide unavailability of compliant items, the commissioner may suspend enforcement of such provision for all food and retail establishments until the commissioner determines that the supply of compliant items has been sufficiently restored.
5. The provisions of this Section 12-72 shall be enforced by the commissioner, or their designee.

(g) Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

AND

In Sec.17-23. Enforcing persons and revised ordinances subject to civil fine.  
Amend paragraph (b), HEALTH AND HUMAN SERVICES DEPARTMENT, by adding after CITY ORDINANCES, Any offense, the following:

PENALTY

Section 12-72, Single Use Plastic Prohibition Ordinance

( ) First offense	Warning
( ) Second offense	\$100.00
( ) Third offense	\$200.00
( ) Fourth or subsequent offenses	\$300.00

Approved as to legal form and character