



Programs & Services Committee Report

City of Newton In City Council

Wednesday, November 8, 2023

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

Absent: Councilor Noel

Also Present: Councilors Malakie and Norton

City Staff: Jonah Temple, Deputy City Solicitor; Katie Whewell, Chief Planner for Current Planning; Linda Walsh, Commissioner of Health and Human Services; Meghan Kennedy, Director of Social Services; Marc Welch, Deputy Commissioner of Parks, Recreation and Culture; Jennifer Wilson, Assistant City Solicitor; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Programs & Services Committee - November 8, 2023 - YouTube](#)

#344-23 **Appointment of Andria Tieman Michney as a Newton Library Trustee**
HER HONOR THE MAYOR appointing Andria Tieman Michney, 9 Elmwood Park, Newton as a Newton Library Trustee for a term of office set to expire on June 30, 2025. (60 Days: 01/05/23)

Action: **Programs & Services Approved 4-0 (Councilors Albright, Greenberg, and Ryan Not Voting)**

Note: Andria Tieman Michney noted her experience working as a librarian and her support for public libraries. Councilors voiced support for this appointment and voted 4-0 (Councilors Albright, Greenberg, and Ryan Not Voting) on a motion to approve from Councilor Wright.

Referred to Programs and Services and Finance Committees

#357-23 **Transfer \$446,104.67 to Health & Human Services Department**
HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred forty-six thousand, one hundred four dollars and sixty-seven cents (\$446,104.67) from June 30, 2023 Certified Free Cash (001-3240) into Health & Human Services Department for purposes of opioid mitigation.

Action: **Programs & Services Approved 5-0 (Councilors Albright, and Ryan Not Voting)**

Note: Linda Walsh, Commissioner of Health and Human Services, stated that these funds were received as part of a larger opioid settlement. Over the next 17 years, the City will receive \$3.8 million. The Newton Coalition for Community Wellness was formed in October 2022 and will work to utilize these funds for opioid mitigation programs. Meghan Kennedy, Director of Social Services, noted plans to have Narcan more accessible in public buildings.

A Councilor asked how the City is helping people in recovery get back on their feet. Commissioner Walsh and Ms. Kennedy noted that the Health and Human Services Department is having conversations on how to best do this along with current efforts to support those in recovery.

Committee members voted 5-0 (Councilors Albright, and Ryan Not Voting) on a motion to approve from Councilor Baker.

Referred to Programs and Services and Finance Committees

#358-23 Transfer \$130,000 to Clinical Health-Temp Staffing

HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty thousand dollars (\$130,000) into Clinical Health-Temp Staffing to address a few school nurse vacancies with agency nurses.

Action: **Programs & Services Approved As Amended By Replacing “Clinical Health-Temp Staffing” with “Acct # 0150103-531300 Clinical Health-Temp Staffing; with \$20,000 to come from Acct # 0150101-511001, \$40,000 to come from Acct # 0150102-511001, and the remaining \$70,000 to come from Acct # 0150103-511001” 5-0 (Councilors Albright and Ryan Not Voting)**

Note: Commissioner Walsh noted how school nurses are covered under the Health and Human Services Department and that in June the Department was down 5 nurses. The Department is currently down to three vacancies. To fill these vacancies temporarily the Department is using a staffing agency.

A Councilor noted the need to permanently fill these vacancies, and another asked what happens to the salary savings. Jonathan Yeo, Chief Operating Officer, noted that salary savings become free cash. A Councilor also noted that the account numbers need to be added to the docket language. Committee members voted 5-0 (Councilors Albright and Ryan Not Voting) on a motion to approve the item and amend it to replace “Clinical Health-Temp Staffing” with “Acct # 0150103-531300 Clinical Health-Temp Staffing; with \$20,000 to come from Acct # 0150101-511001, \$40,000 to come from Acct # 0150102-511001, and the remaining \$70,000 to come from Acct # 0150103-511001” from Councilor Humphrey.

#314-23 Discussion and Possible Creation of Ordinance Regarding Vibration Control Measures

HER HONOR THE MAYOR requesting the discussion and possible creation of an ordinance that would require control measures for construction activities that cause vibrations in both by-right and special permit projects.

Action: Programs & Services Approved 6-0 (Councilor Albright Not Voting)

Note: The Chair read the item into the record and noted that the Committee had provided the Law Department with a list of items to update in the draft ordinance. Jonah Temple, Deputy City Solicitor, noted that since the previous Committee discussion the Law Department changed the exemption from 700 sf to 900 sf to match the ADU ordinance, added abutter notices, added requirements to provide a pre-construction survey, and added an effective date of March 1, 2024. Regarding protections for historical properties, Attorney Temple noted that the geotechnical consultant will determine the scope of the vibration controls needed.

A Councilor noted opposition to the 900 sf exemption and requested that it be reduced to 700 sf. Another Councilor stated that changing this exemption back to 700 sf would deter the construction of ADUs. A Councilor proposed having the 900 sf amendment for ADUs, but all other projects be limited to 700 sf. Committee members voted unanimously to adopt this amendment.

Councilors voted 6-0 (Councilor Albright Not Voting) on a motion to approve item #314-23 and hold item #88-22 from Councilor Baker.

#88-22 Request for a study on construction vibration standards

COUNCILORS ALBRIGHT, BAKER, BOWMAN, DOWNS, GREENBERG, HUMPHREY, LAREDO, LEARY, MALAKIE, NORTON, RYAN based on the Washington Place Liaison Committee recommendations, requesting the study, analysis, review of vibration standards related to construction projects as they affect neighboring buildings. The outcome of this analysis could be an amendment to Chapter 20, Sec. 13-22 Noise, to include a vibration section in construction projects.

Action: Programs & Services Held 6-0 (Councilor Albright Not Voting)

Note: This item was discussed jointly with item #314-23. A written report can be found with item #314-23.

Referred to Programs & Services and Finance Committees

#411-22 Request for Amendment to Chapter 21, Art III Trees to extend tree protection and update permits

COUNCILORS MALAKIE, NORTON, LEARY, RYAN, WRIGHT, LUCAS, HUMPHREY, BOWMAN, MARKIEWICZ, OLIVER, DOWNS, LAREDO, AND GROSSMAN requesting revisions and amendments to Chapter 21, Art. III Trees (sec. 21-60 through 21-89) to extend tree protection to all trees 6 inches DBH (diameter at breast height) and greater within the City (with no exempt lots); to update tree removal permits, fees, and compensation; and to strengthen protection for existing and replacement trees.

Action: **Programs & Services Held 4-2-1 (Councilors Humphrey and Ryan Opposed) (Councilor Krintzman Abstaining)**

Note: The Chair noted that the Committee has received an updated version of the draft ordinance. Jennifer Wilson, Assistant City Solicitor, stated that these changes were just to modify the form of the ordinance. The creation of the exempt tree designation is to simplify referencing to these trees and is not intended to have the ordinance apply to fewer trees. The Law Department also added an effective date to the draft ordinance. Marc Welch, Deputy Commissioner of Parks, Recreation and Culture, later in the discussion noted support for this updated draft. He also suggested a grace period in implementing the ordinance so that the public can be educated regarding this new ordinance.

Multiple Councilors noted a memo that was received from three Councilors raising concerns with the updated draft. One of the authors of this memo stated that this concern is in part due to the Law Department not consulting the docketing Councilors of this item in making these revisions. Other Councilors noted that the updated version from the Law Department is not a policy change just clarifying the previous draft of the ordinance. The Chair asked the Law Department and the authors of this memo to schedule a meeting to go over this updated draft and any other outstanding items.

Committee members voted 4-2-1 (Councilors Humphrey and Ryan Opposed) (Councilor Krintzman Abstaining) on a motion to hold from Councilor Baker.

Referred to Programs & Services and Finance Committees

#412-22 Request for Review and Amendments to Chapter 21, Art. III, Division 3

HER HONOR THE MAYOR requesting review and amendments to Chapter 21, Art. III, Division 3, Tree Preservation to increase replacement requirements for larger trees, add protections for smaller trees, limit removal of trees without replacement, enhance procedures for protecting trees, increasing payment required for trees cut without replacement, protect trees on lots adjacent to

construction, provide Tree Warden with additional professional input on trees on private properties.

Action: **Programs & Services Held 4-2-1 (Councilors Humphrey and Ryan Opposed) (Councilor Krintzman Abstaining)**

Note: This item was jointly discussed with item #411-22. A written report can be found with item #411-22.

#343-23 **Reappointment of Nancy Kritzman to the Commission on Disability**
HER HONOR THE MAYOR reappointing Nancy Kritzman, 677 Winchester Street, Newton as a member of the Commission on Disability for a term of office set to expire on September 20, 2026. (60 Days: 01/05/23)

Action: **Programs & Services Approved 6-0 (Councilor Albright Not Voting)**

Note: The Chair read the reappointment into the record. Councilors citing no issues with the reappointment voted 6-0 (Councilor Albright Not Voting) on a motion to approve from Councilor Ryan.

The meeting adjourned at 8:50pm.

Respectfully Submitted,
Josh Krintzman, Chair