



Programs & Services Committee Report

City of Newton In City Council

Wednesday, April 10, 2024

Present: Councilors Krintzman (Chair), Oliver, Micley, Malakie, Humphrey, Lobovits, and Baker

Absent: Councilor Farrell

Also Present: Councilors Albright, Wright, Leary, Greenberg, and Kelley

City Staff: Linda Walsh, Commissioner of Health and Human Services; Nicole Banks, Commissioner of Parks, Recreation and Culture; Marc Welch, Deputy Commissioner of Parks, Recreation and Culture; Andrew Lee, Senior Assistant City Solicitor; 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: [Programs and Services - April 10, 2024 - YouTube](#)

#149-24 Ordinance change to prohibit the sale of tobacco in Newton to anyone born on or after 1/1/2000

COUNCILORS ALBRIGHT, KELLEY, HUMPHREY, KRINTZMAN, DOWNS, LUCAS, BIXBY, AND DANBERG requesting a discussion and amendment to Chapter 20 Section 3 or sections as appropriate to protect the health, safety, and welfare of the young people in Newton by creating a prohibition of sales such that No person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to anyone born on or after 1/1/2000.

Action: Programs & Services Held 7-0

Note: The docketing Councilor noted a similar policy that was passed in 2018 in Brookline and was recently upheld by the SJC. The idea behind this ordinance is to make it harder over time to buy tobacco products with one year of customers being removed from the market every year this ordinance is in effect. It was also recommended that 1/1/2000 be changed to either 1/1/2004 or 1/1/2005 to not remove existing customers from the market. Councilors voiced support for 1/1/2004 during the discussion. Mark Gottlieb from the Public Health Advocacy Institute at Northeastern University provided an overview of the Brookline ordinance being challenged in court and noted how the ordinance provides a gentle phase-out. Anthony Ishak was one of the proponents in Brookline and described that this ordinance is to preempt innovation by tobacco companies and only applies to recreational tobacco products.

Councilors noted support for the proposed ordinance. One Councilor cautioned that this could create a slippery slope regarding other substances and voiced concerns about impacting small businesses. Committee members voted 7-0 on a motion to hold from Councilor Lobovits.

Referred to Programs & Services and Finance Committee

#176-24 Requesting authorization to transfer \$165,000 for the tennis courts at Newton South High School

HER HONOR THE MAYOR requesting authorization to transfer \$165,000 from Current Year Budget Reserve for the purpose of resurfacing of the tennis courts at Newton South High School.

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

Note: Nicole Banks, Commissioner of Parks, Recreation and Culture, noted that this request is to finish the restoration of the tennis courts at Newton South High School (NSHS). Last year the City used ARPA funding to resurface 4 of the 12 tennis courts at NSHS and this funding request would be to resurface the remaining eight courts. The attached presentation outlines this funding request along with providing an image of the current conditions of these courts. Work will begin at the end of the spring sports and will be finished before the summer recreation season starts. The Chair noted that the Finance Committee held a meeting on Monday, April 8th where the item was approved. Multiple Councilors asked why this funding source was used for this project. Jonathan Yeo, Chief Operating Officer, described that the administration looks at a variety of funding sources for these projects towards the end of the fiscal year. Committee members stated support for this proposal and the Committee voted 7-0 on a motion to approve from Councilor Oliver.

#28-24 Discussion and possible amendments to Chapter 21, Art III Trees

COUNCILORS HUMPHREY, DANBERG, GREENBERG, GROSSMAN, KALIS, LEARY, MALAKIE, WRIGHT, LOBOVITS, and FARRELL requesting revisions and amendments to Chapter 21, Art III Trees (Sec. 21-60 through 21-89) to further clarify recent revisions to our tree protection ordinances and requesting updates from the Tree Warden on the progress of implementation of the recent revisions.

Action: **Programs & Services Held 4-3 (Councilors Malakie, Lobovits, and Baker Opposed)**

Note: The Chair noted that some individuals have come forward noting how they find the tree ordinance difficult to comply with. The Chair recognized Laurance Lee, 26 Taft Ave, who noted that issues arise in creating a tree protection plan for trees with a tree save area on the applicant's property, but the tree is located on an abutting property. He added that this ordinance creates a building restriction that circumvents the Newton Zoning Ordinance. Verne Porter, 324 Elliot St, also spoke regarding his concerns about complying with the ordinance as a surveyor. Marc Welch, Deputy Commissioner of Parks, Recreation and Culture, stated that no one has submitted a permit application with this issue and that construction can be done within the tree save area with a tree protection plan. Both Deputy Commissioner Welch and Andrew Lee, Senior Assistant City Solicitor, agreed that this ordinance has been in effect for six weeks

and evaluation is needed to identify any potential amendments. The number of tree permits filed is also on par with previous years.

The following members of the public provided testimony.

Mark Sangiolo, 9 Skecheconet Way West, Harwich, described that this ordinance throws a monkey wrench in the building process.

Hidekel Montero, 80 Jewett St, noted that this ordinance is extremely difficult to comply with.

Melissa Brown, 949 Chestnut St, requested that Mothers Out Front and Protect Newton Trees also be given time at a future meeting to present to the Committee. She also noted interest in strengthening the current ordinance.

Andrew Goldberg, 68 Reservoir Ave, stated that the ordinance has ulterior motives in stopping developers.

Chad Maguire, 89 Grove St, is a developer and noted difficulty complying with the ordinance.

Public comment was concluded.

A Councilor voiced support for reexamining the tree ordinance once more data is available and asked who approves tree protection plans. All tree protection plans are approved by Deputy Commissioner Welch.

Councilors noted that others had raised their hands to speak after the public comment concluded. Committee members voted 4-3 (Councilors Malakie, Lobovits, and Baker Opposed) on a motion to hold from Councilor Humphrey.

The meeting adjourned at 9:42 pm.

Respectfully Submitted,
Josh Krintzman, Chair

NSHS Tennis Court Restoration

City of Newton
Department of Parks, Recreation & Culture

First 4 courts at NSHS resurfaced (2023) ~\$83K

- Full crack membrane system
 - Perfectly flat (self-leveling material)
 - Playability: Excellent traction
-



2024 PROJECT WORK \$165k



12 courts, built 1994, redone 2015



Almost 2,000 linear feet of crack repair



3 weeks starting June 17th (weather dependent)



Will try to stagger the work in a way that allows ½ the courts to remain available throughout.



Deemed most important court project by PRC, NPS Athletics, Friends of Newton Tennis (FoNT)

