



## **Programs & Services Committee Report**

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

**Wednesday, December 7, 2022**

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

Also Present: Councilors Malakie, and Norton

City Staff: Alissa Giuliani, City Solicitor; Marc Welch, Superintendent of Urban Forestry; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Programs & Services Committee December 7, 2022 \(newtv.org\)](https://newtv.org/Programs-Services-Committee-December-7-2022)

#### **Referred to Public Safety & Transportation Committee**

**#67-22**

##### **Requesting regular discussion with the Police Department**

COUNCILOR DOWNS requesting regular discussion with the Police Department of police data, including crashes, types of calls, numbers and dispositions.

**Action:**

**Public Safety & Transportation Held 7-0**

**Note:** This item was discussed at the 12/07/22 Public Safety & Transportation Committee meeting. Report for item can be found in the corresponding report ([12-07-22 Public Safety & Transportation Report](#)).

#### **Referred to Programs & Services and Finance Committees**

**#528-22**

##### **Request for discussion and ordinance to prohibit deceptive advertising by limited-service pregnancy centers**

COUNCILORS HUMPHREY, NOEL, BOWMAN, RYAN, NORTON, LEARY, LUCAS, MALAKIE, WRIGHT, AND DANBERG requesting discussion to prohibit limited-service pregnancy centers from making deceptive advertisements concerning pregnancy-related services or the provision of pregnancy-related services, including implementing a penalty for violation of the ordinance.

**Action:**

**Programs & Services Held 8-0**

**Note:** Alissa Giuliani, City Solicitor, and Councilor Kristen Strezo of Somerville were introduced. Councilor Humphrey as lead docketer presented on the item noting the state of abortion rights after the Dobbs v. Jackson Women's Health Organization decision (597 U.S. \_\_ (2022)). In the aftermath of this decision, Massachusetts has seen an increase in out-of-state

residents seeking abortion care within the state. He also noted the possibility of future items being docketed related to limited-service pregnancy centers. The proposed ordinance seeks to promote accurate information for those seeking abortion care. A limited-service pregnancy center that engages in these deceptive advertising practices would be subject to a three hundred dollars (\$300) fine. Enforcement of this ordinance would be through the Health and Human Services department.

Councilor Strezo of Somerville noted that these facilities have existed within Massachusetts for decades and further an anti-abortion agenda. Licensing for these facilities is mostly as a business or religious institution and marketing mimics that of health centers. It was also noted that these facilities are not bound by HIAA (Health Insurance Portability and Accountability Act of 1996) and are staffed by unlicensed volunteers. When referring to a similar ordinance in Somerville, Councilor Strezo stated that this ordinance was done proactively.

The Chair noted the need to create a distinction between the municipal and state roles regarding this topic. Attorney Giuliani urged the Committee to be careful and noted considerations regarding the First Amendment and the role of a municipality that should be kept in mind throughout these discussions. Current actions taken by the Consumer Advocacy and Civil Rights Divisions of the Attorney General's office regarding limited-service pregnancy centers were also outlined.

Resulting from the discussion the Chair outlined the following eight main questions regarding this ordinance:

- What are potential zoning and/or licensing remedies that could be taken?
- Is it appropriate for the City to prohibit deceptive advertising?
- What is role of enforcement in Health and Human Services versus Inspectional Services?
- Whether a distinction between free and paid services should be made?
- What would implicate First Amendment religious freedoms, and could there be a content neutral way to limit or restrict these facilities in the City?
- What does a process that distinguishes the municipal and state roles look like?
- Are practitioners at these facilities able to provide services without proper licensure or training?
- What is the role of the City in validating state licensure?

The Committee voted 8-0 on a motion to hold from Councilor Ryan.

**#478-22 Request for discussion and ordinance to prohibit deceptive advertising by limited-service pregnancy centers**  
COUNCILORS HUMPHREY, NOEL, BOWMAN, RYAN, NORTON, LEARY, LUCAS, MALAKIE, WRIGHT, AND DANBERG requesting discussion and to consider an ordinance to prohibit limited-service pregnancy centers from making deceptive advertisements concerning pregnancy-related services or the provision of pregnancy-related services.

**Action:** **Programs & Services No Action Necessary 8-0**

**Note:** Item #478-22 was read into the record, and it was noted that this item was misfiled and replaced by item #528-22. Committee members voted 8-0 on a motion of no action necessary from Councilor Humphrey.

**#510-22 Reappointment of Marguerite Connolly to the Parks and Recreation Commission**  
HER HONOR THE MAYOR reappointing Marguerite Connolly, 289 Cherry Street, Newton as the Ward 3 member of the Parks and Recreation Commission for a term of office to expire on December 31, 2025. (60 Days: 01/20/2023)

**Action:** **Programs & Services Approved 8-0**

**Note:** The Chair read item #510-22 into the record. Committee members citing no objections voted 8-0 on a motion to approve from Councilor Wright.

**#511-22 Reappointment of Mark Feldhusen to the Parks and Recreation Commission**  
HER HONOR THE MAYOR reappointing Mark Feldhusen, 144 Cherry Street, Newton as an alternate member of the Parks and Recreation Commission for a term of office to expire on December 31, 2025. (60 Days: 01/20/2023)

**Action:** **Programs & Services Approved 8-0**

**Note:** The Chair read item #511-22 into the record. Committee members citing no objections voted 8-0 on a motion to approve from Councilor Wright

**#512-22 Reappointment of Sue Rasala to the Council on Aging**  
HER HONOR THE MAYOR reappointing Sue Rasala, 285 Tremont Street, Newton as a member of the Council on Aging for a term of office to expire on January 31, 2025. (60 Days: 01/20/2023)

**Action:** **Programs & Services Approved 8-0**

**Note:** The Chair read item #512-22 into the record. Committee members citing no objections voted 8-0 on a motion to approve from Councilor Greenberg.

**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 8-0**

**Note:**      Items #411-22 and #412-22 were read into the record. Councilors agreed to postpone continued discussion to a future meeting. Committee members voted 8-0 on a motion to hold from Councilor Wright.

**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 8-0**

**Note:**      This item was discussed concurrently with #411-22.

The meeting adjourned at 9:15pm.

**Respectfully Submitted,**

**Josh Krintzman, Chair**