



Programs & Services Committee Report

City of Newton In City Council

Wednesday, March 22, 2023

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

Also Present: Councilors Leary, Danberg, Kalis, Crossley, Gentile, Kelley, Laredo, Norton, Malakie, Downs, and Oliver

City Staff: Carol Stapleton, Recreation Program Manager; Waneta Trabert, Director of Sustainable Materials Management; Jonathan Yeo, Chief Operating Officer; Nicole Banks, Commissioner of Parks, Recreation and Culture; Jennifer Wilson, Assistant City Solicitor; Luis Perez Demorizi, Director of Parks and Open Space; Josh Morse, Director of Public Buildings; John Sisson, Economic Development Director; Sean Nickerson, Recreation Manager Aquatics; Alejandro Valcarce, Deputy Director of Public Buildings; Rafik Ayoub, Project Manager; Jini Fairely, ADA Coordinator; and Jaclyn Norton, Committee Clerk

For more information regarding this meeting, a video recording can be found at the following link: [Programs and Services Committee March 22, 2023 \(newtv.org\)](https://www.newtv.org/Programs-and-Services-Committee-March-22-2023)

Referred to Programs & Services and Public Facilities Committees

#104-23 **Requesting update regarding Gath pool design**
COUNCILORS ALBRIGHT, KRINTZMAN, KELLEY, AND LEARY requesting an update from Commissioner Banks regarding the Gath pool design.
Public Facilities Held 8-0 on 3/22/23
Action: **Programs & Services Held 8-0**

Note: Item #104-23 was read into the record and the Chair noted that discussion on this item will be a joint discussion with the Public Facilities Committee. Nicole Banks, Commissioner of Parks Recreation and Culture; Josh Morse, Director of Public Buildings; Jonathan Yeo, Chief Operating Officer; Luis Perez Demorizi, Director of Parks and Open Space; Sean Nickerson, Recreation manager Aquatics; Alejandro Valcarce, Deputy Director of Public Buildings; Rafik Ayoub, Project Manager; and Tom Scarlata, Principal and Lead Consultant at BH+A were introduced.

Commissioner Banks described that the Department has held community meetings and met with stakeholders to identify priorities for the preferred design. These priorities and focus group feedback were outlined by Mr. Perez Demorizi in the attached presentation. In creating

this design, the Parks, Recreation, and Culture Department looked at Albemarle Field to fit not only the redesigned pool but also athletic fields that meet current needs.

Pool Deck

Mr. Scarlata described the site design which can be found in the attached presentation. The proposed design consists of an updated bathhouse, a spray deck, a recreation pool, and a lap pool. The pool deck will have ramp and stair access from the south side, increased space on the deck for increased seating, along with being flush with the bathhouse for better accessibility. He also described that the proposed layout of the pool deck maximizes space and cited notable improvements over the current design. The proposed design will at least double the number of the seating area on the pool deck.

In responding to a Councilor's question Mr. Scarlata noted that the pool deck material would be treated concrete. Another Councilor asked how the Parks, Recreation and Culture Department is preserving greenspace on the site. Commissioner Banks stated that while the pool deck is being expanded in the proposed design the Department will be taking efforts across the rest of the site to mitigate the impacts of the increased deck on greenspace. A question about spectator seating was also raised and Mr. Scarlata noted that a flat area to stand on would be present for viewing very large events.

Bathhouse

Mr. Scarlata noted that the proposed design would allow all individuals to enter through the front entrance along. It was noted that an accessible and gender-neutral toilet and the changing area would accompany a gender-neutral toilet room. Both would be directly accessible from the lobby. The updated design will also feature access to the pool deck that does not require going through one of the gendered toilets and changing facilities. He also noted that the proposed design for the bathhouse will also add a second point of egress from the basement along with providing easier access to pool filtration equipment for servicing.

Multiple Councilors expressed concerns with curtains being used for the showers with one Councilor stating that they should be sealed doors.

Spray Deck

The spray deck will feature two levels with features geared for toddlers through pre-teen children. Features will be designed to be fully accessible and appropriate for all ages described. He noted that water would be filtered and recirculated at a high rate with UV sanitation. Surfacing the spray deck would be an impervious soft surface to mitigate potential injuries.

Recreation Pool

This pool will be configured for a beach entry and wheelchair ramp from the west side with a self-operated wheelchair lift on the north side of the pool. Mr. Scarlata described that the proposed design would create an alcove for the splash area of the slide which will be separated with rope floats to prevent potential collisions. This pool will also be accompanied by an area at a 3.5 ft depth that can be used for water exercise.

Lap Pool

The lap pool is being designed as an eight (8) lane competitive pool with a depth of 4 ft in the shallow end sloping to 12 ft in the deep end. This pool will also be equipped with diving blocks for each lane and two 1-meter diving boards on the deep end of the pool. Improvements to the pool gutter were also described. Mr. Scarlata noted that the 4 ft depth at the shallow end with a gradual slope to the 5 ft demarcation line allows for maximizing available space for recreational activity. He also described what the pool could look like with two lanes having a shallow depth of 4ft and sloping to reach a 6 ft 7-inch shallow depth.

The Chair noted that there has been a recent concern in the community regarding the proposed 4 ft shallow end of the lap pool. Commissioner Banks noted that the Department met with the swim teams that use the pool when developing the proposed design and changed the shallow depth from 3.5 ft to 4 ft after these discussions. She also noted that the Department has seen these concerns and met with the swim team coaches which led to the development of the draft design of a 4 ft shallow end for the first two lanes that slope to 6 ft 7 inches. This sloping shallow-end design would severely limit the number of uses outside of competitive swimming that could take place in the lap pool. Multiple Councilors expressed concern with the proposed 4 ft shallow end depth with a couple proposing that the first four lanes have a shallow depth of 4 ft sloping to a shallow depth of 5 ft for the last four lanes. Later in the discussion Commissioner banks noted that the 4 ft shallow depth and a 12 depth in the deep end are currently in place at Newton North High School. This is where the swim team will practice during that Gath Pool off-season.

Another Councilor asked what would be in place to prevent a child from diving into the shallow end. Commissioner Banks described that the shallow end would be marked as no diving, which would be enforced by lifeguard staff, and diving in the shallow end would only be allowed by the swim team after a member has received proper instruction from the coach. Also, regarding safety, a Councilor requested that the consultant looks into having tow holds along all sides of the pool.

The Public Facilities Committee voted 8-0 on a motion to hold from Councilor Kalis and the Programs & Services Committee voted 8-0 on a motion to hold from Councilor Ryan.

#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 Held 7-0 (Councilor Noel Not Voting)**

Note: Item #66-23 was read into the record and introduced Councilor Danberg to present on the item. She described the environmental impacts of plastic containers along with

detailing the increased rate at that other materials are recycled. Black plastic is frequently not recycled as it cannot be detected by the optical scanners used at recycling facilities. Currently, 21 Communities in Massachusetts have adopted a ban on plastic water bottles. She then introduced Alan Gardon and Sunwoo Kahng who are members of the Plastics Reduction Working Group and Sustainable Material Commission respectively. They presented the specific changes in the proposed ordinance along with community outreach conducted with local businesses (attached). Greg Reibman from the Charles River Chamber of Commerce was also introduced and noted concerns on the plastic water bottle ban severely reducing revenue for smaller restaurants, supply chain concerns for non-black plastic takeout containers, health concerns with being able to provide your own takeout container that would be filled by the restaurant, and increased labor needs to meet all requirements.

Multiple Councilors expressed support for the goals of the ordinance but also issued concerns with the ordinance in its current form for similar reasons as Mr. Reibman. It was recommended that the working group consult with Mr. Reibman to indicate what could be done now and what could be implemented at a later date to present a future meeting. Councilors voted 7-0 (Councilor Noel Not Voting) on a motion to hold from Councilor Albright.

#67-23 Amendments to Sec. 11-5 on Requirements for Permitted Haulers to Provide Bundled Trash & Recycling service

COUNCILORS LEARY, CROSSLEY, GREENBERG, BOWMAN, AND DANBERG requesting an amendment to City Ordinance Sec. 11-5 to protect public health and the environment and ensure that all persons transporting trash or recycling from places within or to destinations within the city adhere to the Massachusetts Waste Bans 310 CMR 19.017 and uniformly comply with permit requirements established by the City of Newton.

Action: **Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

Note: The item was read into the record and the Chair introduced Councilor Leary to present on this item. She stated that adopting the proposed ordinance would bring the city in compliance with the updated state waste ban laws and worked with the Law Department along with Waneta Trabert, Director of Sustainable Materials Management to draft this ordinance. This ordinance would phase in first by requiring corrugated cardboard collection services and requiring as of July 1, 2024, that bundled trash and recycling services be provided. Under the proposed ordinance (attached) Private Haulers would be required to provide bundled recycling services.

The Chair asked if the docketing Councilor has received any opposition to this ordinance. She noted that Mr. Reibman had described concerns regarding the cost, labor needed to separate the recycling, and not having space for added recycling bins. Multiple Councilors expressed support for this proposal with one Councilor asking how we compare to other municipalities. Ms. Trabert noted that over 50 municipalities actively enforce a recycling mandate. Committee members voted 7-0 (Councilor Noel Not Voting) on a motion to approve from Councilor Greenberg.

Referred to Programs & Services and Public Facilities Committee

#109-22 **Requesting an Ordinance to require universal recycling services**
COUNCILORS LEARY, DOWNS, GROSSMAN, HUMPHREY, KALIS, KRINTZMAN, MALAKIE, AND NORTON requesting an Ordinance to require universal recycling. Newton does not currently require universal recycling. This item will make changes to Sec.11.5 of the city ordinances to require all property owners of both residential and commercial properties to ensure that recyclable materials are separated from trash and each is collected separately. All property owners and managers of buildings that do not receive City trash and recycling collection services shall provide their tenants access to separate trash and recyclable materials collection containers.

Action: **Programs & Services Voted No Action Necessary 7-0 (Councilor Noel Not Voting)**

Note: The Chair read the item into the record and stated his intent of entertaining a motion of No Action Necessary. This intent was due to item #67-23 being docketed which replaced this item. Councilors expressing no concerns voted 7-0 (Councilor Noel Not Voting) on a motion of No Action Necessary from Councilor Humphrey.

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 7-0 (Councilor Noel Not Voting)**

Note: Item #528-22 was read into the record and the Chair described that the previous discussion regarding this item resulting in the Committee submitting questions to the Law Department. A copy of these questions can be found here. He also stated that the Committee had received a confidential memo from the Law Department responding to these questions prior to the meeting. A couple Councilors expressed a desire to hold the item in light of receiving this memo the morning before the meeting. The Chair will remain in contact with the docketing Councilor to find a future meeting to continue the discussion. Councilors voted 7-0 (Councilor Noel Not Voting) on a motion to hold from Councilor Humphrey.

#97-23 **Reappointment of Susan Lunin to the Conservation Commission**
HER HONOR THE MAYOR reappointing Susan Lunin, 22 Shaw Street, Newton as a member of the Conservation Commission for a term of office to expire on May 31, 2026. (60 days: 05/19/2023)

Action: **Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

Note: The Chair read items #97-23, #98-23, and #99-23 into the record. A Councilor noted regarding items #97-23 and #98-23 that appointments to the Conservation Commission are typically referred to the Zoning & Planning Committee. As those reappointments were referred to the Programs & Services Committee, the Committee can vote on the appointments in question. Citing no further objections Committee members voted 7-0 (Councilor Noel Not Voting) on a motion to approve from Councilor Wright.

#98-23 **Reappointment of Jeffrey Zabel to the Conservation Commission**
HER HONOR THE MAYOR reappointing Jeffrey Zabel, 54 Oak Avenue, Newton as a member of the Conservation Commission for a term of office to expire on May 31, 2026. (60 days: 05/19/2023)

Action: **Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

Note: Items #97-23, #98-23, and #99-23 were discussed concurrently. A written report can be found with item #97-23.

#99-23 **Reappointment of Elizabeth Wilkinson to the Urban Tree Commission**
HER HONOR THE MAYOR reappointing Elizabeth Wilkinson, 14 Trowbridge Street, Newton as a member of the Urban Tree Commission for a term of office to expire on May 1, 2026. (60 days: 05/19/2023)

Action: **Programs & Services Approved 7-0 (Councilor Noel Not Voting)**

Note: Items #97-23, #98-23, and #99-23 were discussed concurrently. A written report can be found with item #97-23.

The meeting adjourned at 10:19 pm.

Respectfully Submitted,

Josh Krintzman, Chair