



Finance Committee Report

City of Newton In City Council

Wednesday, November 13, 2019

Present: Councilors Gentile (Chair), Norton, Cote, Grossman, and Rice

Absent: Councilors Lappin, Noel and Ciccone

City staff present: Josh Morse (Commissioner of Public Buildings), Joe Mulvey, (Chief Information Officer), Jonathan Yeo (Chief Operating Officer), Jim McGonagle (Commissioner of Public Works), Waneta Trabert (Director of Sustainable Materials Management), Jini Fairley (ADA Coordinator), Sue Dzikowski (Comptroller) and Bob DeRubeis (Commissioner of Parks & Recreation)

#343-19 Discussion on the new City website

COUNCILORS NORTON, ALBRIGHT, LAREDO, KALIS and MARKIEWICZ requesting a discussion with IT and Executive departments regarding the City's new website now in development.

Finance Held 5-0 on 10/16/19

Finance Held 5-0 on 10/28/19

Action: Finance voted No Action Necessary 5-0

Note: Councilor Norton presented the request for a discussion on the new City website. Councilor Norton explained the Councilors wanted to have an understanding on what the City is doing, the timing of the project and ways that the Councilor's could be helpful. Chief Information Officer, Joe Mulvey, explained the major frustration with the current City website is the search engine. Mr. Mulvey explained he has been speaking to City Clerk David Olson about the modules that have been purchased through Granicus that have never worked for what the Clerk's office needs. Additionally, Mr. Mulvey explained that Granicus has come up with a new version of web posting software called Vision; this is a company they bought and this should fix the short comings of the pervious website. If the City were to go out to bid for a new website it would have taken a year and \$100,000. Mr. Mulvey explained he negotiated with Granicus for a trade that the City will pay the maintenance if they give Newton the upgrade for free. The contract has been signed with Granicus and the project is estimated to take a year. Mr. Mulvey had a kick-off meeting with all the department heads last May with a demo of the new modules for the website and out of the group there was representatives from departments that have a lot of pages and postings on the current website. The first step was to build a wire frame, which is an overview on how the home page will look, the colors and the formatting. Mr. Mulvey explained that this is where they are at with the project. The IT department has created a site map of the website for every departments page and have distributed the pages to the departments to decide if the page should be brought over to the new site.

A committee member asked if other cities and towns are using a similar model for their website? Mr. Mulvey explained that one of the first steps is studying the analytics by Google of the website. Granicus looked at heat maps based on one years' worth of Googles data. Additionally, Granicus sent the City over 100 examples of cities and towns that use a similar model to what Newton is looking for. Links for some of these websites are shown below and a picture of what Newton's new homepage will look like is attached.

<http://www.grandforksgov.com/>

57k population

<https://www.sioux-city.org/>

82k population

<https://www.ankenyiowa.gov/>

55k population

<https://www.oakcreekwi.org/home>

35k population

<https://www.sarasotafl.gov/>

57k population

<https://staged08.visioninternet.net/>

1M population – San Jose's new website – still on the assembly line

Additionally, the committee member asked if residents will easily be able to find out how a councilor voted on certain issues? Mr. Mulvey explained he will investigate that further and he believes there is a module, but he is unsure if the City owns it.

A committee member commented that the new website must be user friendly and wants the terminology residents will be looking for. Mr. Mulvey explained that he will pass that information on to departments and they are trying to find multiple ways for residents to get what they need. The "How do I" feature is an example of how to do this and will be more efficient and cellphone friendly on the new website. This will allow the residents to search by what they need instead of trying to find the department the question falls under. The committee member commented that the terminology needs to be what residents will be looking for and not the newest terminology.

A committee member commented on an agenda management software that was bought a couple of years ago and asked if that will be integrated in the new website. Mr. Mulvey explained that this will not because part of the problem with the Granicus integration is the agenda management system did not work. Additionally, the committee member asked if there will be ways for residents to easily find Council documents? Mr. Mulvey explained that one night they hosted a WebX with Vision about the search engine and added there can be a separate search engine with the options of filters within the Council page. When asked if the Council will continue to be updated on and a part of this project, Mr. Mulvey explained that as milestones are reached all parties will be notified. A committee member asked for a timeline of the milestones. A copy of these milestones is attached to this report. Councilor Norton motioned no action necessary which passed unanimously.

#382-19 Appropriate \$5,000 for police enforcement of accessible parking regulations
HER HONOR THE MAYOR requesting authorization to appropriate five thousand dollars (\$5,000) from the Accessible Parking Fines Fund to be used to pay for special police detail enforcement of the accessible parking regulations.

Action: Finance Approved 5-0

Note: ADA Coordinator, Jini Fairley, presented the request for funds to pay for special police detail enforcement for the accessible parking regulations. Ms. Fairley explained they have done this targeted enforcement for 3 years. Police Officers are hired to stake out commercial areas of Newton during the holiday season and are paid overtime for doing this. The first year the officers worked for 200 hours, there were 107 tickets issued for accessible parking violation and spent about \$6,800. The second year there were 140 hours, 92 tickets and spent about \$6,000. Last year there was 104 hours, 51 tickets and \$5,100 spent. Ms. Fairley explained that they have a balance of \$2,200 and that is why they are asking for \$5,000. A committee member asked if the money generated from the tickets issued is giving back to the Commission on Disability? Ms. Farley explained that there is a formula where the money for general accessible parking fines goes into the general fund for parking tickets and the first \$40,000 goes to the City and anything over \$40,000, 60% of that goes to the Commission on Disability. For the fines that go with the docket item the Commission on Disability gets 100% of the funds. Ms. Fairley explained that the formula will change and that the Commission on Disability will receive the first \$40,000 and the City will receive the 60% after that, which means the enforcement during the holidays will not have to be categorized differently. A committee member asked if the City needs to do anything special to gain access to accessible parking spots on private property. Ms. Fairley explained that there is a Newton ordinance and a state statute that allows police officers to access private property. Councilor Norton motioned to approve which passed unanimously.

#383-19 Assessment of Curb Betterments
COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessments of betterments for construction:

Action: Finance Approved 5-0

Name	Address	Book/Page	SBL	Estimate
David A. Kenney, III and Amy Roberts Kenney	22 Agawam Road	1404/100 Cert # 249470	42-06-04	\$2,672.00
John W. Slokum and Shuchi S. Pandya	100 Franklin Street	67606/565	72-35-09	\$4,752.00
Eric Bosco and Elizabeth Bosco	310 Waverley Avenue	56720/437	73-09-15	\$3,824.00

Alexandra Vozick Thatcher	51 Devon Road	12966/314	61-03-12	\$2,160.00
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Note: Commissioner of Public Works Jim McGonagle presented the request for approval on the above curb betterments. Commissioner McGonagle explained that they will be working diligently to get these installed this calendar year. Councilor Rice motioned to approve which passed unanimously.

#336-19 Discussion and potential change to Senior Citizen’s Parking Sticker program
DAVID KOSES, TRANSPORTATION COORDINATOR requesting a discussion and potential change to the Senior Citizen’s Parking Sticker program to allow the possibility for vehicles displaying a valid Senior Citizen’s Parking Sticker to continue to park on Highland Avenue, between Lowell Avenue & Bram Way, thereby freeing up parking spaces within the Austin Street Parking Lot for other vehicles.

Public Safety & Transportation Approved as Amended 5-0, Referred to Finance Committee

Action: Finance Held 5-0

Note: Chief Operating Officer Jonathan Yeo presented the request to hold item #336-19. Mr. Yeo explained this was a simple request to change the Senior Parking Sticker program to allow more parking along Highland Avenue near the Senior Center. Then in the Public Safety & Transportation Committee the conversation morphed into changing the fee for the parking sticker and where the money collected ends up which is why the item was then referred to Finance. Mr. Yeo explained that there needs to be a longer conversation internally on how the changes to the fees will work. Councilor Cote motioned to hold which passed unanimously.

Referred to Programs & Services and Finance Committees

#387-19 Transfer of \$207,500 for tree damage cleanup
HER HONOR THE MAYOR requesting authorization to transfer the sum of two hundred seven thousand and five hundred dollars (\$207,500) from the Budget Reserve – Snow and Ice Removal Account to the following account:

Forestry Tree Services
 (0160253-524300)..... \$207,500

Action: Finance Approved 5-0

Note: Commissioner of Parks & Recreation, Bob DeRubies, presented the request for funds for tree damage related to the October 16th windstorm. This was one of the top 5 tree events that has happened in Newton in the last 20 years. There were 500 reported tree issues, 30 whole City trees down, during the peak of the storm there was 9 bucket trucks and 5 log loaders, and 2,000 cubic yards was cleaned. Commissioner DeRubeis explained that when broken down contractual services were \$127,000 and dangerous tree mitigation to \$92,000 plus the debris disposal is at \$48,500 and the in house over

time of \$25,500. The total needed is \$267,500. The departments had \$60,000 of available funds. A committee member asked if Public Works and Parks & Recreation work together during these clean-up projects. Commissioner DeRubeis explained that Public Works would help with after storm pick-up and the equipment comes from Parks & Recreation. But after a storm where clean-up is continuing 2 to 3 weeks after the storm the two departments work together and Parks & Recreation will pick-up on the snow routes. Commissioner DeRubeis explained if the pick-up does continue over a long period of time residents start to take the debris out of their own yard and put it on City property which Parks & Recreation will pick-up. Commissioner of Public Works, Jim McGonagle, explained that a lot of the equipment that Parks & Recreation brings in through contract is specialty equipment that Public Works does not own. The committee thanked Commissioner DeRubeis for the department's work during this storm. Councilor Grossman motioned to approve which passed unanimously.

Referred to Public Facilities and Finance Committees

#388-19

Transfer of \$86,800 for boiler replacement at Police Headquarters

HER HONOR THE MAYOR requesting authorization to transfer the sum of eight hundred six thousand and eight hundred dollars (\$86,800) from Interest Temp Loans to a Capital Project Account under Public Buildings Department for the purpose of funding the replacement of the leaking boiler at the Police Headquarters.

Public Facilities Approved 4-0-1 (Councilor Lappin abstaining, Councilors Leary, and Gentile not voting)

Action: **Finance Approved 5-0**

Note: Commissioner of Public Buildings, Josh Morse, presented the request for funds to replace a boiler at Police Headquarters. Mr. Morse explained there are 2 hot water boilers and one of them has failed; there needs to be two operating during the winter. There were two quotes for the project one was \$92,000 and the other was \$82,000 with just over \$4,000 in contingencies. Commissioner Morse explained that he will be coming back to the committee for the HVAC project at Police Headquarters to install all electric or VRF. The boilers will be used as a back-up because it is very difficult to size for a generator in a critical building that is all electric. Additionally, Commissioner Morse explained that a disadvantage to these hot water boilers is to make them more efficient companies will make the walls thinner so there is less steel, so they tend to rust out faster. A committee member asked what caused Councilor Lappin to abstain in the Public Facilities Committee? Commissioner Morse explained that she wanted to find out what the source of funds were. Comptroller Sue Dzikowski explained that there was going to be a Bond Anticipation Note (BAN) during FY2019 for West Newton Square. The BAN is borrowing in anticipation of a larger General Obligation bond and would get paid by the operating budget the next year. Ms. Dzikowski explained they never issued the BAN therefore they do not need that money so this is left over payment that would have been spent on the BAN. Councilor Cote motioned to approve which passed unanimously.

Referred to Public Facilities and Finance Committees

#389-19

Accept a grant from Mass DEP to be used for waste diversion efforts

HER HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Department of Environmental Protection as part of the Recycling Dividends Grant Program in the amount of fifty-two thousand dollars (\$52,000) to support the City's waste diversion efforts.

Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)

Action: **Finance Approved 5-0**

Note: Director of Sustainable Materials Management, Waneta Trabert, presented the request to accept a grant from the Department of Environmental Protection (DEP). Ms. Trabert explained that this grant is based on a point system where municipalities can earn points based on policies and programs that are in place. Each point for Newton is worth \$4,000 and this year Newton earned 13 points which would equal \$52,000. Only 12 communities in the state earned more than \$50,000. The uses for these funds are flexible but mainly the grant should be used for increased educational efforts and increased programming. Additionally, the grant does not have a deadline and the City does not need to present a plan to the DEP. The funds can also be rolled over to be saved for bigger projects. A committee member asked if Ms. Trabert had any uses in mind for the \$52,000. Ms. Trabert explained that there are a couple of educational efforts that they have planned and do have some funds leftover from last year. The bigger projects include cart top stickers for the recycling carts and anticipate that putting these on will cost between 20 to 25 thousand dollars with labor. When asked about the recent recycling inspections and if they had been completed, Ms. Trabert explained that it has not been completed, but currently they are doing the month of November and hopefully will move into the first 2 weeks of December dependent on the weather. Ms. Trabert confirmed that the grant funds could be used for additional help. A committee member asked if Waste Management has tested the recycling to see if Newton is still in compliance? Ms. Trabert explained that the City has not had an audit by Waste Management since January 2019. The City is working with Waste Management on their next contract to have this done on a set schedule, but this is not defined in the existing contract. A committee member asked if the cart-top labels could be made bigger. Ms. Trabert explained that the stickers will now be 9" by 13" which will have images on them to say what should and should not be in the bin. Councilor Rice motioned to approve which passed unanimously.

Referred to Public Facilities and Finance Committees

#390-19

Request to transfer \$88,000 to replace two trash compactors at Rumford Avenue

HER HONOR THE MAYOR requesting authorization to transfer the sum of eighty-eight thousand dollars (\$88,000) from Free Cash to the Department of Public Works' Sustainable Materials Management Equipment & Machinery account to fund the replacement of two trash compactors located at Rumford Avenue.

Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)

Action: **Finance Approved 5-0**

Note: Director of Sustainable Materials Management, Waneta Trabert, presented the request to transfer funds to replace two trash compactors at Rumford Avenue. The trash compactors are primarily used for City operations and public space trash collection. Ms. Trabert explained that it is a major operational issue if one of the compactors goes down which has been happening. Additionally, Ms. Trabert believes that both trash compactors were purchased used 40 years ago. These trash compactors do not have modern safety equipment and are not in compliance with Occupational Safety & Health Administration (OSHA). Councilor Rice motioned to approve which passed unanimously.

Referred to Public Facilities and Finance Committees

#641-18 Request to transfer \$60,000 to replace two trash compactors at Rumford Avenue
HER HONOR THE MAYOR requesting authorization to transfer the sum of sixty thousand dollars (\$60,000) from Free Cash to the Department of Public Works' Sustainable Materials Management Equipment & Machinery account to fund the replacement of two trash compactors located at 115 Rumford Avenue.

Public Facilities voted No Action Necessary 5-0 (Councilors Leary and Gentile not voting)

Action: **Finance voted No Action Necessary 5-0**

Note: The Council received a revised request to replace the two trash compactors (#390-19). Councilor Grossman motioned no action necessary which passed unanimously.

Referred to Public Facilities and Finance Committees

#391-19 Authorization to revise White Goods and Bulky Items City Ordinances
HER HONOR THE MAYOR requesting authorization to revise ordinances pertaining to solid waste and recycling definitions, management of bulky waste items, management of white goods, including amendments to the fees and management of residential moveouts and cleanouts.

Public Facilities Approved 5-0-1 (Councilor Lappin abstaining and Councilor Gentile not voting)

Action: **Finance Approved 5-0**

Note: Director of Sustainable Materials Management, Waneta Trabert, presented the request to revise the White Goods and Bulky Waste City Ordinances. Ms. Trabert explained that the current policy for bulky items is to allow residents up to 5 items per household per week with no cost and explained that when she started with the City, she saw this as a program where Newton can improve their waste reduction efforts. There are a small number of households that are using the majority share of the program. Currently for whitegoods there is a fee for pick up and drop off of TVs and computer monitors. The change would be for curb side collection, there will be a \$25 fee per item instead of per pick-up and the free drop off will be maintained except for TVs and computer monitors. Ms. Trabert explained that language has been clarified in the ordinance which is attached to the report. A committee member asked if adding these fees will cause an illegal dumping issue. Ms. Trabert explained that this already happens in Newton with no fees and that municipalities that do have fees are not overrun by

illegal dumping. A committee member asked if the department comes by items that are perfectly useable and what does the City do with these items? Ms. Trabert explained that the Swap Shop is not good for large items because of the amount of space they have but they do recommend to residents to use websites like Freecycle and Buy Nothing Newton for useable items. As of now there is no incentive to use these sites since they can leave the item out and the City will take it for free. Additionally, she explained that if useable items are left out that the City still must throw away the item.

A committee member asked if a table and six chairs would be charged as one item or seven. Ms. Trabert explained they plan to map out and define an item, but a table and chair set should be considered one item. There are a couple of cases that the department does need to investigate further. The committee member asked if the City picks-up a lot of repeat items? Ms. Trabert explained they have a lot of data that people have requested to pick-up which will help the department define each item. For example, a carpet that weighs 50 pounds or less would be considered one item.

Ms. Trabert explained that currently the bulky item pick-ups are in the Waste Management contract, but whitegoods are not. If the proposed changes are accepted the hauling cost for the truck that services bulky waste would see a contract reduction annually of \$140,000. For whitegoods DPW does the curbside picks but if these changes are accepted then Waste management will take over the curbside pick-up once their new contract is in effect. A committee member asked if the bulky waste pick-up with Waste Management is a flat fee? Ms. Trabert explained that the hauling cost is, and the disposal is a separate contract with the Waste Energy Facility in Millbury that Newton's trash goes to. The City does anticipate for these changes to decrease the tonnage costs significantly. Ms. Trabert confirmed that the fee is collected by the city and is given to Waste Management. A committee member questioned if the cost of hauling one bulky item equals the \$25 fee? Ms. Trabert confirmed that this is true. Commissioner McGonagle explained that having Waste Management take over white goods will free up DPW employees, resources and will save the City some money in the contract. A committee member asked how the City expects to save \$140,000 on the new Waste Management Contract? Ms. Trabert explained that Waste management has proposed this price reduction in the hauling cost because the anticipation is that there will be fewer stops and the fee that is collected from the resident will be going to Waste Management. A committee member asked if Waste Management guessed wrong in the reduction cost, can they amend the contract. Commissioner McGonagle explained that Waste Management has seen this in other communities and that again they are collecting the fee, so he does not see them trying to change the amount of the reduction. Commissioner McGonagle added that Waste Management must pay their employees the prevailing wage rate, which is increasing 20% in the next year and the fee will offset some of that cost. The contract with Waste Management should be signed shortly. Commissioner McGonagle explained that they would like to start this program February 1, 2020 even though the Waste Management contract does not go into effect until July 1, 2020. Councilor Norton motioned to approve which passed unanimously.

Respectfully submitted,

Leonard J. Gentile, Chair

Implementation Timeline Target for One Main Site



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State Parks Public Meeting on August 13 - Saint Edward Ballfield



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CALENDAR



Storytime at the Museums
9:30 AM



Zoning Board of Appeals
Hearing
7:00 PM

CALENDAR



Storytime at the Museums
9:30 AM



Zoning Board of Appeals Hearing
7:00 PM



Theatre Workshop
10:00 AM - 12:00 PM



Homestead Hayfest
Oct 06, 7:00 PM - Oct 07, 12:00 AM



Auburndale District Historic Commission
7:00 PM - 10:00 PM



Economic Development Commission
6:30 PM - 8:30 PM



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Chapter 11

RECYCLING AND TRASH*

Art. I. In General, §§ 11-1—11-33

Art. II. Public Landfills and Recycling Depots, §§ 11-34—11-36

ARTICLE I.
IN GENERAL

Sec. 11-1. Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

Bulky waste items: Bulky waste items are large items that are burnable, such as discarded or broken furniture, large toys, mattresses, rugs, and other large or unwieldy refuse that cannot be placed in the assigned receptacle. Hard plastic and metal items are not bulky items.

~~*Clean and uncontaminated paper:* Paper that has not been exposed to foreign substance or substances, or conditions rendering it unusable for recycling.~~

~~*Commercial rubbish:* Any refuse and recyclable materials generated by the use of property for non-residential purposes, including, but not limited to, hotels, motels, institutions, offices, businesses and industry. The term "institution" includes, but is not limited to, hospitals, schools, and educational and benevolent organizations.~~

Construction Material: Items from building construction, deconstruction, renovations, repairs, etc. This is not considered residential trash and will not be collected by the city.

Garbage: Putrescible waste matter, animal or vegetable, from tables, kitchens, markets and stores. Also known as organics.

Non-profit rubbish: Any ~~refuse-trash~~ and recyclable materials generated by the use of property for residential and non-residential non-profit institutions. The term "institution" includes, religious, and charitable organizations that do not pay city real estate tax.

Recyclable materials: ~~Clean and uncontaminated-~~ Printed paper; cardboard and paperboard; glass; rigid plastic containers; cans; aluminum containers; leaf and yard wastes; ~~plasties;~~ scrap metals and other such materials as set forth by the Department of Environmental Protection of the Commonwealth of Massachusetts or as the commissioner of public works may determine.

~~*Refuse:* Generally refers to common household waste, as well as office and retail wastes, but excludes recyclable materials, industrial, hazardous, and construction wastes. Also known as trash. All non-putrescible household solid wastes except those which constitute recyclable materials as defined herein.~~

***Editor's note:** Ordinance T-92, adopted June 18, 1990, changed the title of this chapter from "Garbage, Trash and Refuse" to "Recycling and Trash".

Cross references—Health and human services, Ch. 12; secondhand and junk dealers, Ch. 20, Art. VI

Leaf and yard wastes: Leaves, grass clippings, wood chips, shrub trimmings, plant cuttings and other materials as set forth by the Department of Environmental Protection of the Commonwealth of Massachusetts or as the commissioner of public works may determine.

Moveouts and cleanouts: Large amounts of bulky waste that may also include excess trash and whitegoods that resulting from turnover of a residential property, which most commonly occurs from rental property turnover, residential downsizing, and estate management.

Organics: Putrescible waste matter (animal or vegetable) and compostable paper from tables, kitchens, markets and stores. Also known as garbage.

Packaging: Recyclable materials that consist of primarily of food and consumer goods packaging, including cardboard boxes, paperboard boxes (i.e., cereal boxes, tissue boxes, etc.) and rigid containers (i.e., bottles, cans, jars, jugs, tubs) made of glass, plastic, and metal.

Packaging and printed paper: The recyclable material stream that is able to be collected in a curbside collection program and mixed together in the collection truck instead of being sorted into separate commodities by the generator; includes printed paper, cardboard, paperboard and rigid containers made of plastic, glass, and metal.

~~*Plastics:* High density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics and other plastics as the commissioner of public works may determine.~~

Plastic containers: Rigid bottles, cans jars, jugs, tubs, made of high density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics and other plastic resins as the commissioner of public works may determine; excludes flexible plastic film (i.e., shipping air pillow), plastic bags (i.e. plastic shopping bags, bags packaged around new durable goods, etc.), and plastic wrap (i.e., cellophane, case wrap, paper towel wrap).

Printed Paper: Paper that has not been exposed to foreign substance or substances, or conditions rendering it unusable for recycling; includes, but is not limited to, office paper, documents, magazines, newspaper, junk mail and other paper as the commissioner of public works may determine.

Recycling depot: A site designated on a permanent or temporary basis for drop-off and collection of certain recyclable materials.

Receptacle: Any container that the commissioner of public works may determine to be acceptable to utilize for the collection of trash and / or recyclable materials and or any other material that the commissioner of public works may determine.

Trash: Generally refers to common household waste, as well as office and retail wastes, but excludes recyclable materials, industrial, hazardous, and construction wastes. Also known as refuse.
~~All trash, including, garbage and refuse from residential premises which receive municipal trash disposal services. Sometimes also called "rubbish" or "residential rubbish."~~

Single Stream Recycling: Also known as fully commingled recycling, refers to a system in which all paper materials and co-mingled containers are mixed together in a collection truck, instead of being sorted into separate commodities (newspaper, cardboard, plastic, glass, etc.) by the resident and handled separately throughout the collection process.

Waste Bans: Materials as listed under the Commonwealth of Massachusetts Regulation 310 CMR 19.017: Waste Disposal Ban Regulation. All items as listed will either not be collected or collected as a special collection per the commissioner of public works.

White goods: Large household appliances such as washing machines, clothes dryers, refrigerators, stoves, and the like, formerly finished with white enamel but now often with varied finishes, as well as electronic devices such as televisions and computers.²²

(Rev. Ords. 1973, § 8-34; Ord. No. 11, 8-15-74; Ord. No. R-56, 3-17-80; Ord. No. R-105, 12-15-80; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10; Ord. No. Z-87, 05-16-11; Ord. No. A-62, 08-10-15)

Cross reference—Rules of construction and definitions generally, § 1-3

Sec. 11-2. Department of public works—To have charge of removal, processing and disposal.

The department of public works, or its contractor, shall remove and process or dispose of all refuse, recyclable materials and garbage from residential premises, except those residential premises which are required pursuant to special permit or other zoning requirements to make their own private arrangements therefor, which are properly placed in accordance with the requirements of this chapter. (Rev. Ords. 1973, § 8-35; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10)

Sec. 11-3. Same—Employees, contractors and agents not to enter premises to remove; exception.

Employees, contractors and agents of the department of public works shall not enter upon private property to remove, garbage, refuse or recyclable materials, except when and where directed by the commissioner of public works or his duly authorized agent. (Rev. Ords. 1973, § 8-36; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10)

Sec. 11-4. Reserved.

Sec. 11-5. Trash, Garbage—Permit required to transport; recycling services required.

All persons transporting trash or garbage through the public ways of the city from places within or to destinations within the city shall first obtain from the health department a permit therefor. All persons offering these services are required to offer full recycling services to all places where such collection of trash or garbage occurs within the city. All persons shall show evidence of such recycling plan of services, which plan must be approved by the commissioner of public works or his/her designee and recommended to the commissioner of health and human services at the time of the annual permit request. All such permits shall expire at the end of the calendar year in which they are issued. No permit may be transferred without approval of the health and human services department. (Rev. Ords. 1973, § 8-38(a); Ord. No. 59, 2-20-75; Ord. No. S-1, 7-11-83; Ord. No. X-175, 05-26-05; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13)

Cross reference—Licensing and permits generally, Ch. 17; G.L. c. 111 sec. 31A.

Sec. 11-6. Collection, processing, and disposal of non-profit rubbish for a fee.

Non-profit rubbish from religious and charitable organizations may be set out for collection for a fee that reflects the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent. All non-profit rubbish shall be placed for collection in accordance with this chapter. All non-profit rubbish collected by the city under this section shall comply with all requirements of this chapter. (Ord. No. Z-68, 06-21-10)

Sec. 11-7. How trash to be placed for collection; weight of receptacles.

(a) The city shall provide, or cause to be provided, one receptacle to each residential premises which receives municipal rubbish disposal services. The receptacle size shall be determined by the commissioner of public works. The receptacle shall be owned by the city. The residents of each such premises shall:

- (1) take proper care to protect such receptacle from misuse, loss, and damage as the city may require the resident to pay for any replacement receptacle due to such misuse, loss and/or damage; and
- (2) return such receptacle to the city, or its contractor, upon request of the commissioner of public works; and
- (3) in the event that they vacate the premises, shall leave such receptacle with the premises for use by the subsequent residents or if taken the city may require payment for such receptacle; and
- (4) not remove the assigned receptacle from the premises unless granted permission by the commissioner of public works; and
- (5) not be in possession of any receptacle not assigned to his or her premises.

(b) If additional receptacles are required, additional receptacles shall be provided at the request of the homeowner at an annual charge established by the commissioner of public works. Only city authorized receptacles will be accepted for collection.

(c) Residents may also purchase trash bags, designated by the city for the sole purpose of trash collection, at a cost per bag established by the commissioner of public works. Only city authorized bags will be accepted for collection. Bags shall not exceed fifty (50) pounds in weight.

(d) All material set out for collection must be in the city supplied receptacle, additional city supplied receptacle, as requested, or designated bags. Loose material will not be collected. All material put out must fit within the receptacle provided so that the receptacle lid remains closed.

(e) Receptacles and designated bags shall be placed for collection in a manner and on days of the week as designated by the commissioner of public works or his/her designee which does not obstruct vehicular and / or pedestrian passage. All receptacles must be placed so that they are easily accessible for collection by the city, and/or in such a place as the commissioner of public works, or his/her duly authorized agent, may designate or permit.

(f) The commissioner of public works may determine if a multiple residential site (apartment building, condominium units, townhouses, etc.) currently being collected from will require a dumpster. The commissioner will determine the size and location of the dumpster. Multiple unit locations will abide by the same standards as for collection in single residential sites.

(g) No person except those individuals and companies authorized by the commissioner of public works shall collect or pick up or cause to be collected or picked up, trash which has been placed for collection pursuant to Section 11-7. (Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)
Cross reference – general fines, §17-21; civil fines, §17-23

Sec. 11-8. How recyclable materials to be placed for collection.

(a) The city shall provide, or cause to be provided, one recycling receptacle to each residential premises which receives municipal rubbish disposal services. The receptacle size shall be determined by the commissioner of public works. Only city authorized receptacles will be accepted for collection. The residents of each such premises shall:

- (1) take proper care to protect such recycling container from misuse, loss and damage as the city may require the resident to pay for any replacement carts due to such misuse, loss and/or damage; and
- (2) return such recycling container to the city, or its contractor, upon request of the commissioner of public

works; and

- (3) in the event that they vacate the premises, shall leave such recycling container with the premises for use by the subsequent residents or if taken the city may require payment for such cart; and
- (4) not remove the assigned receptacle from the premises unless granted permission by the commissioner of public works; and
- (5) not be in possession of any receptacle not assigned to his or her premises.

(b) If additional receptacles are required, additional receptacles shall be provided at the request of the homeowner at an annual charge established by the commissioner of public works. Only city authorized receptacles will be accepted for collection.

(c) Recyclable materials are to be set out in containers as directed by the rules and regulations of the commissioner of public works.

(d) Leaf and yard waste is to be set out in containers as directed by rules and regulations of the commissioner of public works.

(e) All recyclable material set out for collection must be in the city supplied receptacle. Loose material will not be collected. All material put out must fit within the receptacle provided so that the receptacle lid remains closed.

(f) Receptacles shall be placed for collection in a manner and on days of the week as designated by the commissioner of public works or his/her designee which does not obstruct vehicular and / or pedestrian passage. All receptacles must be placed so that they are easily accessible for collection by the city, and/or in such a place as the commissioner of public works, or his/her duly authorized agent, may designate or permit.

(g) The commissioner of public works may determine if a multiple residential site (apartment building, condo units, townhouses, etc.) currently being collected from will require a dumpster for single stream recycling. The city will determine the size and location of the dumpster. Multiple unit locations will abide by the same standards as for collection in single residential sites.

(h) No person except those individuals and companies authorized by the commissioner of public works shall collect or pick up or cause to be collected or picked up, recyclable materials which have been placed for collection pursuant to Section 11-8. (Rev. Ords. 1973, § 8-42; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-105, 12-15-80; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)

Cross reference – general fines, §17-21; civil fines, §17-23.

Sec. 11-9. Participation in and enforcement of recycling and trash program; hardship exemption.

(a) All persons whose trash is collected by the city shall comply with the provisions of this chapter when placing materials for collection, unless specifically exempted pursuant to the provisions of subsection (b). Failure to comply with sections 11-7, 11-8, 11-10, 11-14, 11-15, or 11-16 shall result in the imposition of a written warning for the first offense, fifty dollar (\$50.00) civil fine for the second offense, and seventy-five dollar (\$75.00) civil fine for the third and subsequent offenses occurring in any three hundred sixty-five (365) day period. The written warning for each first offense shall be attributable to the dwelling unit occupied by the offending party. Any subsequent offense by any occupant of said dwelling unit shall result in the fine referred to above and shall be attributable to the head of the household or the owner of the premises.

Cross reference – general fines, §17-21; civil fines, §17-23(f).

(b) If compliance with the requirements of subsection (a) imposes undue hardship upon a person, that person may request an exemption from this ordinance from the commissioner of public works. (Ord. No. R-105, 12-15-80; Ord. No. S-249, 3-16-87; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)

Sec. 11-10. When trash and recyclable materials to be placed for collection; collection vehicles to pass through streets only once.

(a) Trash and recyclable materials shall be placed for collection on such day or days as may be designated for collection by the commissioner of public works. The commissioner of public works may designate the specific days of collection for particular areas of the city and/or types of trash and/or recyclable materials. Trash and recyclable materials shall be placed for collection between 4:00 p.m. of the day preceding collection and 7:00 a.m. of the day of collection. Collection vehicles having passed through the street will not be sent back to collect any such materials placed for collection after 7:00 a.m.

(b) All empty receptacles, barrels, cans or rubbish containers of any kind shall be removed from the area of collection and returned to the private property of the person(s) who owns or is assigned to the specific receptacle(s) prior to midnight of the day of collection.

(c) Any occupant of a building who places or causes to be placed trash or recyclable materials for collection at times other than those designated in subsection (a) of this section or fails to remove said trash containers or recycling containers or receptacles from the area of collection prior to midnight of the day of collection shall be subject to penalties provided in section 9(a), provided, however, that when the collection of trash or recyclable materials is delayed due to weather conditions, holidays, or other causes, no penalty shall be imposed for placement thereof in accordance with the time periods established for collection as set forth in subsection (a) above.

- (1) For the first offense—a written warning;
- (2) Second offense-fifty dollars (\$50.00);
- (3) Third and subsequent offenses-seventy-five dollars (\$75.00)

The written warning for each first offense shall be attributable to the dwelling unit occupied by the offending party. Any subsequent offense by any occupant of said dwelling unit shall result in the fine referred to above and shall be attributable to the head of the household.

Provided, however, that when the collection of trash or recyclable materials is delayed due to weather conditions, holidays, or other causes, no penalty shall be imposed for placement thereof in accordance with the time periods established for collection as set forth in subsection (a) above. (Rev. Ords. 1973, § 8-42; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-56, 3-17-80; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. T-168, 9-3-91; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)

Cross reference—Licensing and permits generally, Ch. 17; general fines §17-21; civil fines, §17-23.

Sec. 11-11. Registration for transporting garbage through Newton.

All persons transporting garbage on public ways of the city from points outside the city and to destinations outside the city shall register with the city health and human services department pursuant to Mass. Gen. Laws c. 111, § 31A. Such garbage shall be transported in accordance with such rules and regulations as the health and human services department shall make. (Rev. Ords. 1973, § 8-43; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. X-175, 5-26-2005; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13)

Sec. 11-12. Definition of pickup point, placement of refuse for collection from mixed-use buildings, persons responsible for fee.

For buildings utilizing dumpsters, each dumpster location shall constitute a pickup point. Refuse from non-residential and residential units shall not be placed into the same dumpster for collection. For receptacle or bag collection, each street address shall constitute a pickup point, provided however, that in the case of multi-unit buildings, each unit shall constitute a pickup point, and provided further, that the refuse and recycling generated by each non-residential unit in such building shall not be set out for collection.

Nothing herein shall be deemed to render any person liable for charges incurred by a previous owner. (Rev. Ords. 1973, § 8-45; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-105, 12-15-80; Ord. No. R-201, 12-7-81; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10)

Sec. 11-13. Tipping over, etc.; slippery substances.

No person shall willfully or maliciously disturb or handle the contents of or tip over or upset containers or receptacles standing upon the sidewalk or within the street limits or throw or place upon any sidewalk, crosswalk, street or way any banana skin, orange peel or other slippery substance. (Rev. Ords. 1973, § 8-48; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10)

Sec. 11-14. Bulky waste items.

(a) Bulky waste items may be removed from the curb and disposed of by the department of public works upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per item. All materials set out for curbside removal shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.

(b) The commissioner of public works in his/her sole discretion may remove and dispose of bulky waste items that have been set out for collection without application and in accordance with section 16. Failure to apply for removal of bulky waste items shall be subject to penalties provided in section 9(a).

~~(a) The department of public works may remove and dispose of up to five (5) bulky waste items per household per week without charge. All the materials put out for removal shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.~~

~~(b) The commissioner of public works in his sole discretion may remove and dispose of more than five (5) bulky waste items per household per week in accordance with the provisions relating to cleanouts and moveouts. (Rev. Ords. 1973, § 8-49; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10; Ord. No. A-62, 08-10-15)~~

Sec. 11-15. White goods.

(a) White goods may be removed at the curb and properly managed by the department of public works upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per item. All white goods set out for curbside removal by application shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.

(b) White goods, except TVs and monitors, shall be accepted at no charge when dropped off by City of Newton residents at the Newton Resource Recovery Center during operating hours. TVs and monitors shall be accepted at the Newton Resource Recovery Center upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per item.

(c) The commissioner of public works in his or her sole discretion may remove and properly manage white goods items that have been set out for collection without application. Failure to apply for removal of white goods shall be subject to penalties provided in section 9(a).

~~White goods may be removed and disposed of by the department of public works upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per stop, which will include one cathode ray tube item (TV or computer monitor). Each additional cathode ray tube item (TV and/or computer monitor) shall be charged an additional eighteen dollar (\$18.00) fee. All other white good items, as defined in Section 11-1 shall be included in each stop for no additional charge. All white goods offered for removal by application shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city. (Ord. No. Z-87, 05-16-11; Ord. No. A-54, 01-20-15; Ord. No. A-64, 10-19-15)~~

Sec. 11-16 Moveouts and cleanouts.

Moveouts and cleanouts are not considered normal residential trash and will not be collected by the City. If, for whatever reason, the City finds it necessary to remove and dispose of a moveout or cleanout, the owner ~~or occupant~~ of the building or premises shall pay the City the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent. Such removal may also be subject to fines as specified in Chapter 17-21. (Ord. No. A-62, 08-10-15)

Sec. 11-17. Annual appropriation for publicizing recycling program.

The recycling program shall receive an annual appropriation to be used to advertise the program on a regular basis and to inform citizens of their collection days. (Rev. Ords. 1973, § 8-50; Ord. No. 11, 8-15-74; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10; Ord. No. Z-87, 05-16-11; Ord. No. A-62, 08-10-15)

Secs. 11-18—11-33. Reserved.

ARTICLE II. PUBLIC LANDFILLS AND RECYCLING DEPOTS

Sec. 11-34. Control of operation and use.

The commissioner of public works shall have custody and control and charge of the operation of all landfills and recycling depots maintained by the city. He is authorized, subject to the provisions of this article and to any other applicable order of the city council, to prescribe, and from time to time amend, rules and regulations governing the operation and use thereof. (Rev. Ords. 1973, § 8-56; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90)

Sec. 11-35. Regulations of use.

Use of landfills, transfer haul stations and recycling depots maintained and/or operated by the city or by a

contractor under contract with the city to do the same, by other than city employees acting within the scope of their employment, shall be limited to residents of the city, to owners or employees of commercial or industrial establishments located within the city and to such other persons as may establish to the satisfaction of the commissioner of public works that they are engaged in business activities within the city which require the disposal of trash or depositing of recyclable materials from such operations. All such use shall be upon permission of and in accordance with the rules of the commissioner of public works. No person shall dispose of any trash or deposit any recyclable materials originating outside the limits of the city to any such landfill, transfer haul station or recycling depot. All persons and commercial haulers, except city employees acting within the scope of their employment, using any such landfill, transfer haul station or recycling depot shall do so at their own risk. (Rev. Ords. 1973, § 8-57; Ord. No. 60, 2-18-75; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90)

Sec. 11-36. Recycling depots.

The commissioner of public works shall have custody and control and charge of the operation of recycling depots maintained by the city. The commissioner may use these recycling depots for the collection of recyclable materials such as office grade paper; corrugated cardboard; automobile batteries and other such materials as he shall determine. (Ord. No. T-92, 6-18-90)

Cross reference—Licenses and permits generally, Ch. 17