

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE AGENDA

MONDAY, MAY 24, 2010

7:00 PM
Room 222

ITEMS SCHEDULED FOR DISCUSSION:

- #131-10 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from Federal Emergency Management Agency (FEMA) FY'09 Assistance to Firefighters Grant Program for fifty-six thousand three hundred seventy-eight dollars (\$56,378) and appropriate fourteen thousand ninety-four dollars (\$14,094) from Free Cash to the federal grant fund for the purpose of providing the local share of the grant program, which will be used to provide emergency vehicle operations training. [04-27-10 6:06 PM]
- #145-10 HIS HONOR THE MAYOR requesting an appropriation of fifty thousand dollars (\$50,000) from Free Cash to the Fire Injured on Duty Medical Account to fund ongoing medical expenses through June 30, 2010. [5-11-10 @3:10 PM]
- #55-10(2) HIS HONOR THE MAYOR requesting that board order #55-10 be amended by rescinding a balance of \$125 that remains authorized but unissued debt for bond authorization to replace the emergency generator at the Newton Public Schools Education Center. Since bonds are sold in \$1,000 increments, this fractional balance was not funded in the bond sale and needs to be rescinded by June 30, 2010. [5-11-10 @3:10 PM]
- #196-07(6) HIS HONOR THE MAYOR requesting that board order #196-07(5) be amended by rescinding a balance of \$400 that remains authorized but unissued debt for bond authorization to repair Fire Station #4. Since bonds are sold in \$1,000 increments, this fractional balance was not funded in the bond sale and needs to be rescinded by June 30, 2010. [5-11-10 @3:10 PM]
- #146-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$20,000 from Free Cash to fully fund Parking Ticket Collections, which is contractually obligated but underfunded in the FY10 budget. [05-11-10 @3:10 PM]
- #147-10 HIS HONOR THE MAYOR requesting a transfer of \$6,000 from the Health Insurance line item to the Fulltime Salaries line item in the Treasury Department's budget to replenish funds used to cover sick and vacation buy back for two individuals who recently retired from that department. [5-11-10 @3:11 PM]

#148-10 HIS HONOR THE MAYOR requesting a transfer of \$8,000 from the Health Insurance line item to the Banking Services line item in the Treasury Department's budget to cover fee increases in such services and fees associated with one month of collection/counting of parking meter coins. [5-11-10 @3:11 PM]

#149-10 HIS HONOR THE MAYOR requesting an appropriation of one hundred fifteen thousand two hundred forty-two dollars and sixty-nine cents (\$115,242.69) from the Capital Stabilization Fund to the Treasury Department for the purpose of paying issuance costs related to the sale of bonds in April 2010. [5-11-10 @3:11 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#106-10 HIS HONOR THE MAYOR proposing amendments to Chapter 11, Recycling and Trash, of the City of Newton Revised Ordinances 2007. [03/30/10 @ 4:08 PM]

PUBLIC FACILITIES APPROVED 5-0-1 (Albright abstaining) on 04-21-10

ITEMS NOT SCHEDULED FOR DISCUSSION:

#78-10 ALD. FULLER, GENTILE, FREEDMAN, JOHNSON, DANBERG AND BAKER requesting a review of the elements of the Financial Management Guidelines of January 2008, together with the Mayor's Office, to ensure they meet the current needs of the City. [03/09/10 @8:23 AM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#391-09(2) ALD. DANBERG, MANSFIELD, VANCE & HESS-MAHAN requesting the establishment of a municipal parking mitigation fund whose proceeds, derived from payments-in-lieu of providing off-street parking spaces associated with special permits, will be used solely for expenses related to adding to the supply of municipal parking spaces, improving existing municipal parking spaces, or reducing the demand for parking spaces.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/09 @ 1:07 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]

PROGRAM & SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 4/15/09

REFERRED TO COMM. PRES., PUB FAC & FINANCE COMMITTEES

#147-08 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$359,400, including \$2,000 for legal costs, be appropriated from the FY'08 Community Preservation Fund's historic resources and general reserves, for a

project to rehabilitate and expand storage space for the research library and archives at the Newton History Museum, to preserve the existing collections, and enhance public access to the collections. [04-01-08 @ 4:10 PM]

COMMUNITY PRESERVATION APPROVED 6-0 on 4-29-08

(A) DESIGN FUNDS ESTIMATE \$37,500.00 – BOA APPROVED ON 07/21/08

(B) BALANCE OF PROJECT ESTIMATE \$321,900.00 – HELD PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON PART B 8-0 on 05/05/10

- #207-07(5) ALD. FREEDMAN AND JOHNSON proposing that the city's Financial Management Guidelines adopted under Board Order #207-07 be amended to require that any proposed capital expenditure above a certain amount have a cost-benefit or a return-on-investment analysis performed prior to approval by the Board of Aldermen. [12/21/09 @5:55 PM]
- #207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [07-02-08 @12:12 PM]
- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
- (A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
 - (B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
 - (C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [07-02-08 @12:12 PM]

Respectfully Submitted,

Leonard J. Gentile, Chairman



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#131-10

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(617) 796-1089

E-mail
swarren@newtonma.gov

April 27, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I request that your Honorable Board docket for consideration a request to accept and expend a grant from FEMA's FY 2009 Assistance to Firefighters Grant program. The total cost of the approved project is \$70,472, of which the federal share is \$56,378 (80%) and the local share is \$14,094 (20%).

I respectfully request that the City's matching fund requirement of \$14,094 be appropriated from Free Cash into the federal grant fund.

The grant will be used to provide emergency vehicle operations training for our fire/rescue personnel. It will cover the costs of a driving course provided by the Central Massachusetts Safety Council, as well as the backfill costs associated with the training time.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

10 APR 27 PM 6:06
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911

#131-10



Setti D. Warren
Mayor

Joseph E. LaCroix
Chief

March 31, 2010

Honorable Setti D. Warren, Mayor
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Mayor Warren:

I am respectfully requesting that you authorize the approval of funds, in the amount of \$14,094.00, for the city's portion of the FY 2009 Assistance to Firefighters Grant awarded to the Newton Fire Department in the amount of \$70,472.00.

This Federal grant is to provide emergency vehicle operations training for our personnel.

Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Joseph E. LaCroix".

Joseph E. LaCroix
Chief of Department

JEL/cf

cc: Sarah Ecker



FEMA

Mr. Joe Lacroix
Newton Fire Department
1164 Centre Street
Newton, Massachusetts 02459-1584

Re: Grant No.EMW-2009-FO-09140

Dear Mr. Lacroix:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2009 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$70,472.00. The Federal share is 80 percent or \$56,378.00 of the approved amount and your share of the costs is 20 percent or \$14,094.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you request and receive any of the Federal grant funds awarded to you.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy W. Manning".

Timothy W. Manning
Deputy Administrator for National Preparedness and Protection

Narrative Statement

Project Description

* Please indicate which of these Target Capabilities your request outlined in this application will satisfy. Check all that apply:

Responder Safety and Health

* Please provide your narrative statement in the space provided below. Include in your narrative, details regarding (1) your project's description and budget, (2) your organization's financial need, (3) the benefit to be derived from the cost of your project, and (4) how the activities requested in your application will help your organization's daily operations and how this grant will protect life and property.

Project Description:

The City of Newton is seeking an Aid to Fire Departments Grant in the amount of \$70,472.00 to provide emergency vehicle operations training for our personnel.

The 184 member Newton Fire Department provides fire suppression, fire prevention, public education, first response EMS, hazmat and technical rescue services to the residents and businesses that call Newton home.

Six Engine companies, Two Ladder companies and two ALS units serve the community from six fire stations. The Department has four groups of firefighters (30 firefighters, 7 Lieutenants, 2 Captains and a Deputy Chief) working an average 42 hour week. The Staff functions account for an additional 20 personnel. The Department has averaged 7,800 runs a year over the last several years. Newton is also part of the Fire District 13 mutual aid consortium, comprised of thirty five communities that include Boston and is part of the Massachusetts Fire Marshal's Statewide Fire Mobilization task force.

The City of Newton is a community of 84,600+ residents covering an area of 18.33 square miles. Newton is located on the western border of Boston. It is estimated that the city's population triples during the normal work week due to the commercial/industrial and retail occupancies as well as the five colleges in the City.

Four interstates highways (Routes 90 East/West and Routes 95 North/South), US Route 9 and Route 30 transect the city, bringing with it traffic and well as "growing pains" due to increased demands on public safety, public works, the school system and the city's infrastructure.

We have many identified potential targets for terrorism that the Newton Fire Department is charged with providing fire, rescue, EMS, hazmat and technical rescue services for. Among the critical infrastructure that the Newton Fire Department protects is the Massachusetts Turnpike (Route 90) with the CSX rail line running parallel with it.

The City is divided into several villages with apartments and/or office space over commercial occupancies. Newton's housing mix ranges from small single and two family homes to large single family homes to the south and east. Many Churches as well as two high schools and 4 middle schools and 14 elementary schools are in the Newton Public School System. Newton is also the home of five Colleges and Theological Schools.

The need for funding:

The City has been affected by the economic downturn the country has experienced since the terrorist attacks of 9/11, and the prediction of revenues from state aid, property taxes and other local receipts is an inexact science. Unfunded State and Federal mandates for education, as well as the costs incurred within the Newton Public Schools takes up 55% of the City's annual operating budget.

Lowered property valuations due to the economic downturn and the constraints of Massachusetts' tax limitation law known as "Proposition 2 and half" have made funding for the cities and towns of the Commonwealth a challenge each fiscal year.

As in most communities with career departments, salaries, benefits, educational and EMS stipends are the major part of the fire department budget. In Newton, it accounts for 95% of the budget. The remaining 5% is allocated for vehicle repair and maintenance, fuel, utilities, maintenance of the communications systems and fire department equipment. The Newton Fire Department training budget of \$1,800 only allows for in service training at the Company/Group level. It is insufficient for sending the entire department through training programs conducted by outside agencies or a municipal hire from the Massachusetts Firefighting Academy.

Funding the grant request for emergency vehicle operations will greatly enhance the safety of our firefighters, the firefighters of our mutual aid communities and the safety of the residents of the City of Newton and our surrounding communities.

The cost of the Emergency Response/Decision driving course conducted by the Central Massachusetts Safety Council and the necessary backfill would be \$70,472. The cost averages out to be \$383 per firefighter and would train the Newton Fire Department to the standards put forth in NFPA 1002 Driver Operator.

The grant request is to provide the above training to each firefighter, company officer and chief officer to enhance their safety responding to and from calls.

The City of Newton does have the funding for the 20% contribution required for the grant.

Project Benefits: Emergency Response/Decision Driver Training

Responding to an emergency, whether it be a fire, motor vehicle accident, medical emergency or other type of call is considered to be one of the most dangerous things a firefighter does during the course of his/her tour of duty. There are so many variables, such as the time of day, weather conditions and the most unpredictable of all: the actions of the motorists we share the road with. Drivers chatting and texting on their cell phones, listening to car stereos so loud they can be heard over the sirens/air horns and distracted in other ways have made responding to emergencies challenging, and in some instances, deadly.

Every 12 minutes someone dies in a car crash. At 40,000 fatalities a year, motor vehicle accidents are deadlier than all natural disasters combined. Firefighters respond to motor vehicle accidents on a daily basis and unfortunately become accident victims themselves.

Between 2004 and 2007, out of the 336 line of duty firefighter deaths within that time frame, sixty two of them (18.4% of the total) occurred while responding and returning to quarters. Thousands more have been injured; all of these line of duty deaths and lost time accidents have an economic effect on the fire department. Personnel must be replaced to maintain staffing levels, and for those firefighters who must retire due to injury, the cost of hiring and training replacement personnel can be quite expensive.

Apparatus accidents are costly, as is the litigation that invariably follows should the driver and officer commanding the apparatus be found at fault in an accident. It is much less costly to train fire personnel how to operate fire apparatus safely to avoid accidents and drive defensively to begin with.

The Newton Firefighters have not had the benefit of this specialized driver training. Driver training conducted by our more experienced driver operators cannot approach the level taught by the professional driving instructors of the Central Massachusetts Safety Council's Emergency Response/Decision Driving training program. Among the skills they teach are accident avoidance, skid control, threshold braking, braking with antilock (ABS) braking systems, emergency lane changes and driving in and out of traffic at various speeds. The course consists of classroom prep, going over the rules of the road for emergency vehicles according to Chapter 90 of the Massachusetts General Laws and the rules and regulations of the training facility. The practical portion of the course involves running the road course in a specially equipped car, followed by a second run of the course in a fire truck.

In fire apparatus accidents, everybody loses. Safer drivers mean less accidents, less lost time injuries due to accidents and safer responses to and from emergencies so that "everyone goes home" at the end of their tour of duty.

Enhancement and impact on daily operations:

The emergency response/decision driving program would make our firefighters and community safer by teaching our personnel the skills to properly react to avoid motor vehicle accidents, arrive to and return from the scene of incidents safely, preventing injuries due to apparatus vs. motor vehicle accidents, saving both money and lives.

One of the missions of the Newton Fire Department is to provide for the safety of life, property, and protection of the environment by serving in a safe and professional manner through the efforts of public education, prevention, fire suppression activities, response to medical emergencies, and mitigation of hazardous conditions. With the integrity, courage, and spirit of the fire service, we will endeavor to preserve the quality of life enjoyed by our community.

We need the funding for this training to help us carry out this mission and protect our community.

On behalf of Mayor David Cohen, the Men and Women of the Newton Fire Department and the residents of the City of Newton, thank you for your past support and for your consideration in funding our grant request.

* Please describe all grants that you have received from DHS including any AFG grants received from DHS or FEMA, for example, 2002 AFG grant for vehicle or 2003 ODP grant for exercises. (Enter "N/A" if Not Applicable)

#145-10



City of Newton, Massachusetts
Office of the Mayor

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SETTI D. WARREN
MAYOR

May 11, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$50,000 from Free Cash to the Fire Injured on Duty Medical Account, Acct # 42B210, for the purpose of funding ongoing medical expenses through June 30, 2010.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

SDW: sce

10 MAY 11 PM 3:10
CITY CLERK
NEWTON, MA. 02159

From: Free Cash
01-3497 \$50,000
To: Workers Compensation
Fire IOD
0110492-575007 \$50,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



Setti D. Warren
Mayor

DEPARTMENT OF HUMAN RESOURCES

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Telephone (617) 796-1260

FAX (617) 796-1272

DOLORES M. HAMILTON, DIRECTOR

May 11, 2010

Mayor Setti D. Warren
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Mayor Warren and Honorable Board of Aldermen:

I respectfully request and recommend that the sum of \$50,000 be appropriated to the Fire Injured on duty medical account, Account Number 42B210, to fund ongoing medical expenses.

This will enable the City to meet its obligation to pay medical bills for members of the fire departments who have been injured on duty through June 30, 2010.

Sincerely,

Dolores Hamilton,
Director of Human Resources

Cc: Joseph E. LaCroix,, Chief, Newton Fire

COMPTROLLER'S OFFICE
DATE: 05/12/2010
TIME: 14:33:01

CITY OF NEWTON, MASSACHUSETTS
EXPENDITURE STATUS REPORT

SELECTION CRITERIA: orgn.fund='42' and orgn.orgn1='42B'
ACCOUNTING PERIOD: 11/10

SORTED BY: PROGRAM,ACCOUNT
TOTALLED ON: PROGRAM
PAGE BREAKS ON:

PROGRAM-42B201 POLICE IOD MEDICAL

ACCOUNT	TITLE	BUDGET	PERIOD EXPENDITURES	ENCUMBRANCES OUTSTANDING	YEAR TO DATE EXP	AVAILABLE BALANCE	YTD/BUD
5371	MEDICAL SERVICES	75,000.00	.00	.00	16,564.57	58,435.43	22.09
5FORWARD	PRIOR YEAR BUDGET FWD	9,298.70	.00	.00	.00	9,298.70	.00
	TOTAL POLICE IOD MEDICAL	84,298.70	.00	.00	16,564.57	67,734.13	19.65
PROGRAM-42B210 FIRE IOD MEDICAL							
5371	MEDICAL SERVICES	75,000.00	1,520.42	.00	146,981.41	-71,981.41	195.98
5FORWARD	PRIOR YEAR BUDGET FWD	.84	.00	.00	.00	.84	.00
	TOTAL FIRE IOD MEDICAL	75,000.84	1,520.42	.00	146,981.41	-71,980.57	195.97
TOTAL REPORT		159,299.54	1,520.42	.00	163,545.98	-4,246.44	102.67

(15) Forward 6/20/2009
 2010 Appropriation
 9,299.57
 150,000.00

 159,299.57

 ✓

#55-10(2)



SETTI D. WARREN
MAYOR

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Office of the Mayor

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swarren@newtonma.gov

May 11, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to rescind the appropriation and Bond Authorization related to Board Order #55-10 Ed Center generator replacement project in the amount of \$125 and Board Order #196-07 fire station improvement project in the amount of \$400.00

Bonds are sold in \$1,000 increments. These two fractional balances were not funded in the recent bond sale and need to be rescinded by June 30, 2010 as a housekeeping measure.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Setti D. Warren".

Setti D. Warren
Mayor

10 MAY 11 PM 3:10
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

CITY OF NEWTON
IN BOARD OF ALDERMEN

March 1, 2010

ORDERED:

That for the purpose of paying costs of replacing the emergency generator at the Newton Public Schools Education Center, and for the payment of all costs incidental and related thereto, there is hereby appropriated the sum of two hundred two thousand one hundred twenty-five dollars (\$202,125), which amount shall be borrowed under and pursuant to Chapter 44, Section 7(3A) of the General Laws), or pursuant to any other enabling authority. The term of this bond authorization shall not exceed ten (10) years.

Under Suspension of Rules
Readings Waived and Approved
20 yeas 0 nays 4 absent (Ald. Albright, Ciccone, Harney and Salvucci)

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

#196-07(6)



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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May 11, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to rescind the appropriation and Bond Authorization related to Board Order #55-10 Ed Center generator replacement project in the amount of \$125 and Board Order #196-07 fire station improvement project in the amount of \$400.00

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Thank you for your consideration of this matter.

Very truly yours,

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Setti D. Warren
Mayor

10 MAY 11 PM 3:10
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

#196-07(5)

CITY OF NEWTON
IN BOARD OF ALDERMEN

October 5, 2009

ORDERED:

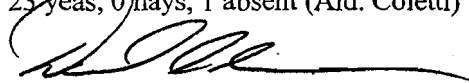
That for the purpose of paying additional costs of remodeling, reconstructing and making extraordinary repairs to Fire Station #4 and for the payment of any and all other costs associated therewith, there be and hereby is appropriated and authorized to be borrowed under and pursuant to Chapter 44, Section 7(3A) of the General Laws, as amended and supplemented, or pursuant to any other enabling authority, the sum of One Hundred Twelve Thousand Four Hundred Dollars (\$112,400).

RECEIVED

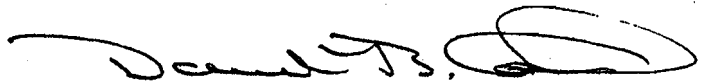
OCT 07 2009

MAYOR'S OFFICE

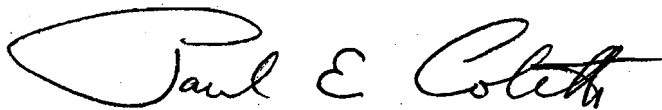
Under Suspension of Rules
Readings Waived and Approved
23 yeas, 0 nays, 1 absent (Ald. Coletti)



(SGD) DAVID A. OLSON
City Clerk



(SGD) DAVID B. COHEN
Mayor



(SGD) PAUL E. COLETTI, Chairman
Finance Committee

Date: 10/2/09

CITY OF NEWTON
IN BOARD OF ALDERMEN

March 1, 2010

ORDERED:

That for the purpose of paying costs of replacing the emergency generator at the Newton Public Schools Education Center, and for the payment of all costs incidental and related thereto, there is hereby appropriated the sum of two hundred two thousand one hundred twenty-five dollars (\$202,125), which amount shall be borrowed under and pursuant to Chapter 44, Section 7(3A) of the General Laws), or pursuant to any other enabling authority. The term of this bond authorization shall not exceed ten (10) years.

Under Suspension of Rules
Readings Waived and Approved
20 yeas 0 nays 4 absent (Ald. Albright, Ciccone, Harney and Salvucci)

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#146-10

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May 11, 2010

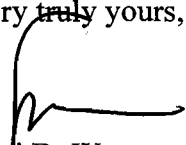
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$20,000 to the Treasury Department from Free Cash for the purpose of fully funding Parking Ticket Collections. This account is contractually obligated and was underfunded in the FY2010 budget.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From: Free Cash
01-3497 \$20,000
To: Treasury Expenses
0110701-5307 \$20,000

10 MAY 11 PM 3:10
CITY CLERK
NEWTON, MA 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#147-10

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swarren@newtonma.gov

May 11, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

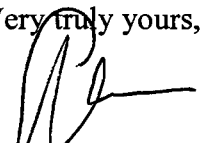
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$6,000 from the Health Insurance line item in the Treasury Department budget to the Full Time Salaries line item. Two individuals retired from the Treasury Department in the past few months. Funding was transferred from Full Time Salaries to cover Sick and Vacation buy back. This request enables the Department to replenish the Full Time Salaries line item with savings that have accrued in Health Insurance.

Additionally, I request that your Honorable Board transfer the sum of \$8,000 from the Health Insurance line item to the Banking Services line item. This amount along with funds that will be transferred from other expense accounts in the department will cover fee increases in this area, as well as fees associated with one month of collection/counting of parking meter coins.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From: Treasury Fringe Benefits
0110701-57HLTH \$8,000
To: Treasury Salaries
0110701-511001 \$8,000



10 MAY 11 PM 3:11
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#148-10

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

May 11, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

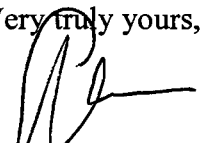
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Additionally, I request that your Honorable Board transfer the sum of \$8,000 from the Health Insurance line item to the Banking Services line item. This amount along with funds that will be transferred from other expense accounts in the department will cover fee increases in this area, as well as fees associated with one month of collection/counting of parking meter coins.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From: Treasury Fringe Benefits
0110701-57HLTH \$8,000
To: Treasury Salaries
0110701-511001 \$8,000



10 MAY 11 PM 3:11
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

From: "Sarah Ecker" <secker@newtonma.gov>
To: ssullivan@newtonma.gov
Date sent: Thu, 13 May 2010 13:46:45 -0400
Subject: Bond Sale costs
Copies to: mlemieux@newtonma.gov,
jgreardon@newtonma.gov
Priority: normal

Hi Shawna:

On Tuesday we docketed an item for the costs associated with the spring bond sale. It was based on our best estimate of the costs: \$121,622.

I just received a summary of the final costs. We can amend the request to a total of \$115,242.69. A summary of the final costs is attached and should be distributed to the Board in addition to (or in lieu of) the attachment we submitted on Tuesday.

Let me know if you need anything else (letter, memo?) --

--Sarah

Sarah C. Ecker
Director of Community Relations
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459
617-796-1106
secker@newtonma.gov



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#149-10
Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

May 11, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate \$121,622 from the Capital Stabilization fund to the Treasury Department for the purpose of paying issuance costs related to the sale of bonds in April 2010.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

From:	Capital Stabilization Fund	
	39D104-5901	\$121,622
To:	Treasury Expenses	
	0110701-5316	\$121,622

AS
05/13/2010

10 MAY 11 PM 3:11
CITY CLERK
NEWTON, MA 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton, Massachusetts
Cost of Issuance

\$11,650,000 Series A State Qualified Bond Issue

FSC Fee:	\$27,475.00	Confirmed (\$1.50 per 1,000 + \$10,000)
Bond Counsel:	50,000.00	Confirmed, both series (\$2.00 per 1,000, capped at \$50,000)
Moody's	11,500.00	Confirmed, both series
Printing	2,270.69	Confirmed, both series
Document Preparation	700.00	
Misc.	200.00	
TOTAL:	<u><u>\$92,145.69</u></u>	

\$14,398,000 Series B Bond Issue

FSC Fee:	\$21,597.00	Confirmed (\$1.50 per 1,000)
US Bank	1,500.00	20 yrs
TOTAL:	<u><u>\$23,097.00</u></u>	

APPROVED

#106-10

Setti

3/30/10

City of Newton



DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE COMMISSIONER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

To: Mayor Setti D. Warren
From: Thomas E. Daley, P.E. / Commissioner of Public Works
Subject: Request to Docket Revised Solid Waste Ordinances
Date: March 30, 2010

AL

10 MAR 30 PM 4: 08
CITY CLERK
NEWTON, MA 02459

I am writing to request that you please docket the attached revised Chapter 11, Recycling and Trash Ordinances of the City of Newton. After many years of effort by residents of the City of Newton, including the Board of Alderman, Solid Water Commission and the staff of the Dept. of Public Works, last October, we implemented very successful changes to our Solid Waste and Recycling programs here in the City of Newton. The program continues to operate well with good customer support, lower costs and a sustained approximate 30% reduction in trash tonnages.

However, the current City Ordinances do not reflect the current program that is in place. Therefore, after much work with the Solid Waste Commission and the Law Dept., I am requesting that the attached ordinance revisions be docketed with the Honorable Board of Alderman for approval.

In general, the revisions are mostly a reflection of the changes to the actual program, however, there are a few additional items to note that are being recommended by the D.P.W. and the Solid Waste Commission. Those additional changes are:

- 1) The elimination of household "cleanouts" and "moveouts" being picked up by the City.
- 2) The allowance of having the City being able to collect trash and recycling from non-profit religious and charitable organizations for a fee.
- 3) The allowance of D.P.W. staff to be able to issue warnings and a civil fine for not following proper procedures for putting out trash and recycling.

I hope this information is helpful. Please contact myself or Elaine Gentile if you have any questions.

Cc: R. Rooney / Chief Operations Officer	E. Gentile / Dir. of Env. Affairs
S. Ecker / Chief Financial Officer	Solid Waste Commission
D. Turocy / Dep. Comm. of P.W.	

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:

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

Cleanouts: cleaning of basements, attics, garages, etc. so that large amounts of trash are generated that require multiple collections or truck load out. Cleanouts are not considered normal residential trash and will not be collected by the City.

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.

Moveouts: Vacating residential premises and depositing large amounts of trash at curbside. Moveouts are not considered normal residential trash and will not be collected by the City.

Non-profit rubbish: Any refuse 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 paper; cardboard; glass; cans; aluminum; leaf and yard wastes; plastics; 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: All non-putrescible household solid wastes except those which constitute recyclable materials as defined herein.

Deleted: Ashes: All the earthy or mineral part of combustible substances remaining after combustion.

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*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. 17, Art. IV

§ 11-5

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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.

Plastics: High density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics and other plastics 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.

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Trash: All trash, including garbage and refuse from residential premises which receive municipal trash disposal services. Sometimes also called "rubbish" or "residential rubbish." (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)

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

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.

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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.

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

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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)

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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)

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Sec. 11-4. Reserved.

Sec. 11-5. Garbage—Permit required to transport; exceptions.

All persons transporting 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 collection of trash 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

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Deleted: How ashes to be placed for collection; weight of containers when filled.¶

¶ Ashes shall be placed for collection in sound metal containers, weighing not more than one hundred fifty (150) pounds when filled, on the outer edges of the sidewalk fronting the premises or in such other place as the commissioner of public works, or his duly authorized agent, may designate. (Rev. Ords. 1973, § 8-39, Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75)

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¶ (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 mann ... [1]

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)
Cross reference—Licensing and permits generally, Ch. 17

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 to be determined by the Commissioner of Public Works. 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.

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 carts 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 cart.

(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.

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(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.

(h) Failure to comply 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 (see Article III, Section 20-21).

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.

(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)

Deleted: Rubbish, with the exception of ashes, shall be placed in barrels, plastic bags or other sound receptacles for collection, provided that rubbish which cannot be readily placed into such containers, such as tree branches, rugs, boards and brush may instead be securely tied into bundles which do not exceed four (4) feet in length. Each such barrel, bag, receptacle and bundle may not exceed one hundred (100) pounds and shall be placed on the outer edges of the sidewalk so as not to obstruct free passage of foot travelers thereon, or in such other place as the commissioner of public works, or his duly authorized agent, may designate or permit. (Rev. Ords. 1973, § 8-40; 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)

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(b) If additional receptacles are required, additional receptacles shall be provided at the request of the homeowner at an annual charge established by the ... [2]

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Inserted: e) Receptacles shall be placed for collection in a manner ... [5]

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Inserted: f) The Commissioner of Public Works may determine if a ... [6]

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(c) All such containers and recep ... [7]

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(i) Failure to comply 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 (see Article III, Section 20-21).

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

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(a) All persons whose trash is collected by the city shall comply with sections 11-7 and 11-8 when placing materials for collection, unless specifically exempted pursuant to the provisions of subsection (b). Failure to comply with section 11-9 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. (see Article III, Section 20-21).

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(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)

Sec. 11-10. When trash and recyclable materials to be placed for collection; carts 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 P.M. of the day preceding collection and 7 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 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 the following penalties (see Article III, Section 20-21):

- (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).

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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 fifty dollar (\$50.00) 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)

NEWTON CODE ONLINE RECYCLING AND TRASH

§ 11-33

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Cross reference—Licensing and permits generally, Ch. 17

Sec. 11-11. Permit to cart trash and/or recyclable materials.

All persons transporting trash and/or recyclable materials 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)

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.

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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)

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)

Sec. 11-14. Large, bulky, etc., refuse.

Large and/or bulky items, which cannot be placed in the assigned receptacle shall be considered bulky waste and shall be collected per the commissioner of public works.

Bulky waste such as discarded or broken furniture, large toys, mattresses, rugs, and other large, bulky or unwieldy refuse 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 the building or premises, who shall pay to the city therefor the actual cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent. All the materials 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. (Rev. Ords. 1973, § 8-49; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83)

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- Deleted: stoves, pipes, machinery, ruins of buildings, remnants of wood and metal from building construction or repairs, wooden boxes and large junk, trimmings from trees and vines
- Deleted: sanitation division
- Deleted: ,
- Deleted: provided, that the mayor may suspend for one week in the year, to be determined by him, the provision of this section requiring payment for removal.

Sec. 11-15. 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)

Secs. 11-16—11-33. Reserved.

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§ 11-33

- Deleted: 11-33
- Inserted: 11-33
- Deleted: 11-8

Add the following paragraph (f) to:

ARTICLE III: CIVIL FINES/NON-CRIMINAL DISPOSITION

Sec. 20-21

Add (f) DEPARTMENT OF PUBLIC WORKS: The Commissioner of Public Works, and/or his or her designee, shall be authorized to issue written notice of the following violations:

PENALTY

Sec. 11-7 How trash to be placed for collection.

- () First offense..... written warning
- () Second offense..... \$50.00
- () Third offense and subsequent offenses.....\$75.00
in calendar year

- Deleted: ()
- Warning:.....
- \$0.00
- ¶

Sec 11-8 How recyclables to be placed for collection.

- () First offense..... written warning
- () Second offense..... \$50.00
- () Third offense and subsequent offenses.....\$75.00
in calendar year

Sec. 11-9 (a) Participation in and enforcement of recycling and trash program

- () First offense..... written warning
- () Second offense..... \$50.00
- () Third offense and subsequent offenses..... \$75.00
in calendar year

- Deleted: ¶
- Inserted: ¶
Sec. 11-9 (a) Participation in and enforcement of recycling
- Deleted: and subsequent
- Deleted: s
- Deleted: ..

Sec. 11-10 (c) When trash and recyclable materials to be placed for collection

- () First offense..... written warning
- () Second offense..... \$50.00
- () Third and subsequent offenses.....\$75.00
in calendar year

- Deleted: and subsequent
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Delete Article III, Section 20-21(d), sec 11-8 and 11-10

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