

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE REPORT

MONDAY, MAY 24, 2010

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Danberg, Fuller and Freedman
Absent: Ald. Rice

Also present: David Wilkinson (Comptroller), Maureen Lemieux (Chief Financial Officer), and Thomas Daley (Commissioner of Public Works)

#131-10 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from Federal Emergency Management Agency (FEMA) FY09 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]

ACTION: **HELD 6-0**

NOTE: The item was held without discussion, as the Fire Chief was unable to attend the meeting.

#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]

ACTION: **HELD 6-0**

NOTE: The item was held without discussion, as the Fire Chief was unable to attend the meeting.

#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 Since bonds are sold in \$1,000 increments, this fractional balance was not funded in the bond sale and needs to be rescinded by June 30, 2010.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]

ACTION: **APPROVED 5-0 (Freedman and Linsky not voting)**

NOTE: Comptroller David Wilkinson explained that the original authorization of Docket Item #55-10 for \$202,125 to replace the emergency generator at the Education Center needs to be amended. Requests for bond authorizations should be in \$1,000 increments, as bonds are sold in \$1,000 increments. The fractional balance of \$125 has not been issued. The objective of this docket item is to close out the \$125 unissued balance prior to fiscal year end. Ald. Fuller moved

approval of the item, which carried unanimously.

#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]

ACTION: **APPROVED 6-0 (Linsky not voting)**

NOTE: Comptroller David Wilkinson explained that the original authorization of Docket Item #196-07(5) for \$112,400 to supplement previously appropriated funds for the renovation of Fire Station #4 needs to be amended. Requests for bond authorizations should be in \$1,000 increments, as bonds are sold in \$1,000 increments. The fractional balance of \$400 has not been issued. The objective of this docket item is to close out the \$400 unissued balance prior to fiscal year end. Ald. Ciccone moved approval of the item, which carried unanimously.

#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]

ACTION: **APPROVED 6-0 (Linsky not voting)**

NOTE: Docket Item #146-10 is a request for \$20,000 from Free Cash to address a portion of the known \$30,000 underfunding of the parking ticket collections. The Chief Financial Officer explained that the City entered into a contract with a company three years ago to handle the parking ticket processing and payments.

The City spends approximately \$200,000 for the parking ticket payment system out of the Treasury Department's budget. There is a cost of \$1.55 per ticket issued for processing. If the City is issuing more tickets, it costs the Treasury Department additional money above and beyond the \$200,000. There is not a revenue line within the Treasury Department budget that offsets those costs. The City is implementing new systems that may increase the number of parking tickets issued next year that may require further money in the line item next year.

The additional \$10,000 needed to fully fund the Parking Ticket Collection line item until the end of the fiscal year will be generated through the use of other expense money within the Treasury Department that is not being spent this fiscal year; therefore, it is the intent to move that money into the Parking Ticket Collection line item. Ald. Danberg moved approval of the item, which carried unanimously.

#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]

ACTION: **APPROVED 6-0 (Linsky not voting)**

NOTE: Please see the note for Docket Item #148-10 for information on this item.

#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]

ACTION: **APPROVED 6-0 (Linsky not voting)**

NOTE: Chief Financial Officer Maureen Lemieux explained that Docket Items #147-10 and #148-10 are related. The Treasurer's Department had two retirements this year, so the Department out of the salary area in the budget had to pay out the vacation and the sick time buy out. So they were left with less money than they ordinarily would have had in the salary section of their budget. Ms. Lemieux took a look at the entire budget in coming up with the requests. They have between \$14 and \$15 thousand in health insurance costs that they will not be incurring this year because of the two people who retired because it took some time to fill those positions. #147-08 and #148-10 are requests to move funds into full-time salaries to cover salary expenses until the end of the fiscal year. Ald. Freedman asked if the City made any allowance for retirement expenses within the budget. The Comptroller explained that normally when a person retires the position is left vacant long enough to fund the vacation and sick time buy back. However, it was not feasible to leave the two positions vacant in the Treasurer's Department due to the existing backlog of work. Ald. Danberg moved approval of the items, which carried unanimously.

#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]

ACTION: **APPROVED 6-0 (Linsky not voting)**

NOTE: Ms. Lemieux, Chief Financial Officer, stated that the Executive Office looked at how the bond sale was paid for last fiscal year and followed suit and requested an appropriation from the Capital Stabilization Fund to pay for the sale this fiscal year. Comptroller David Wilkinson pointed out that in the past money was included in the Treasurer's operating budget for bond sale costs and then three years ago when the City started the large bond sales for the high school project it was removed from the Treasurer's operating budget, as it was unclear how much to budget. The breakdown of the cost of the bond issuance was attached to the agenda.

Ms. Lemieux stated that the Executive Department will be testing the market to determine if the City is paying a competitive rate for bond counsel and financial advisory services. Ald. Fuller suggested getting an estimate of what the issuance costs are at each bond sale to make sure that there is a funding source. The Committee voted unanimously in favor of a motion for approval.

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]

ACTION: **PUBLIC FACILITIES APPROVED 5-0-1 (Albright abstaining) on 04-21-10 APPROVED SUBJECT TO SECOND CALL 4-0-2 (Freedman and Fuller abstaining; Danberg not voting)**

NOTE: Public Works Commissioner Thomas Daley presented the item to the Committee. Commissioner Daley provided an overview of the changes to the recycling and trash ordinances. The ordinances are out of synchronization with what is actually occurring with trash collection since the City has switched to automated collection. The requested amendments reflect the recent changes in collection. The Law Department and Solid Waste Commission have reviewed the proposed changes and provided their input to the amendments.

There are three significant changes related to the proposed amendments to the solid waste ordinance. The first is to allow the City to collect trash and recycling from small non-profit religious and charitable organizations for a fee. There are approximately 40 non-profit institutions that would qualify for pick-up of trash and recycling for a fee. The cost for the service would be \$350 a year, which breaks out to \$200 for one trash container and \$150 for one recycling container. The non-profit would also be able to purchase additional barrels, if necessary. There is no cost to the City to provide this service. The \$350 cost to the non-profit covers the pick up and tipping fee and it is designed to be a cost recovery fee. Newton resident, Sharon Polk-Sadownik, voiced her support of the opportunity for religious institutes to participate in the City's automatic trash and recycling program.

The second change would allow the Department of Public Works (DPW) to issue warnings and tickets for not following proper procedures for putting out trash and recycling. The Commissioner stated that the ticketing power would only be used for egregious offenses and would be issued by employees of the Environmental Affairs Division of the Public Works Department.

The third major change relates to large cleanouts and move outs being collected by the City. The Commissioner provided a photo, which was attached to the agenda depicting a typical move out or cleanout. The Department can no longer pickup large amounts of trash related to cleanouts. The Department of Public Works (DPW) has been encouraging people to get a dumpster for this level of trash. The DPW will continue to collect up to five bulky trash items a week from each residence, as long as the resident calls for pick up.

Committee members suggested some minor changes to the proposed amendments to the trash and recycling ordinances. Commissioner Daley provided the Board with a memo dated May 27, 2010, which incorporates the requested changes of the Finance Committee. The memo is available under separate cover in the packet of June 4, 2010.

A motion for approval subject to second call was approved by the Committee by a vote of four in favor and two abstentions. It is hoped that the Public Facilities Committee will support the Finance Committee recommendations and that the item can be approved by the full Board on June 7, 2010.

Draft Board Orders for each of the items with an action are attached. The Committee held all other items without discussion and adjourned at approximately 8:25PM.

Respectfully Submitted,

Leonard J. Gentile, Chairman

DRAFT
#55-10(2)

CITY OF NEWTON
IN BOARD OF ALDERMEN

June 7, 2010

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, board order #55-10, dated March 1, 2010, is hereby amended by rescinding a balance of one hundred twenty-five dollars (\$125.00) that remains authorized but unissued debt for bonds issued in April 2010 to replace the emergency generator at the Newton Public Schools Education Center.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

DRAFT
#196-07(6)

CITY OF NEWTON
IN BOARD OF ALDERMEN

June 7, 2010

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, board order #196-07(5), dated October 5, 2009, is hereby amended by rescinding a balance of four hundred dollars (\$400.00) that remains authorized but unissued debt for bonds issued in April 2010 to repair fire station #4 at 195 Crafts Street.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

DRAFT
#146-10

CITY OF NEWTON
IN BOARD OF ALDERMEN

June 7, 2010

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of twenty thousand dollars (\$20,000), to be appropriated from Free Cash, be and is hereby appropriated, granted, and expenditure authorized under the direction of the Treasurer & Collector for the purpose of fully funding parking ticket collection, which is contractually obligated but underfunded in the FY10 budget as follows:

FROM:	Free Cash (01-3497)	\$20,000
TO:	Treasury Expenses (0110701-5307)	\$20,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

CITY OF NEWTON
IN BOARD OF ALDERMEN

June 7, 2010

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, a transfer of six thousand dollars (\$6,000) to replenish funds used to cover sick and vacation buy back for two individuals who recently retired from the Treasury Department be and is hereby approved as follows:

From: Treasury Fringe Benefits (0110701-57HLTH)	\$6,000
To: Treasury Salaries (0110701-511001)	\$6,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

DRAFT
#148-10

CITY OF NEWTON
IN BOARD OF ALDERMEN

June 7, 2010

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, a transfer of funds in the amount of eight thousand dollars (\$8,000) to cover fee increases and fees associated with one month of collection/counting of parking meter coins as follows be and is hereby approved as follows:

From: Treasury Fringe Benefits (0110701-57HLTH)	\$8,000
To: Treasury Expenses (0110701-J30210)	\$8,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

CITY OF NEWTON
IN BOARD OF ALDERMEN

June 7, 2010

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of one hundred fifteen thousand two hundred forty-two dollars and sixty-nine cents (\$115,242.69) to be appropriated from the Capital Stabilization Fund be and is hereby appropriated, granted, and expenditure authorized under the direction of the Treasurer & Collector for the purpose of paying issuance costs related to the sale of bonds in April 2010 as follows:

From:	Capital Stabilization (39D104-5901)	\$115,242.69
To:	Treasury Expenses (0110701-5316)	\$115,242.69

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTID. WARREN
Mayor

APPROVED

#106-10
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

10 MAR 30 PM 4:08
CITY CLERK
NEWTON, MA. 02159

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

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

NEWTON CODE ONLINE RECYCLING AND TRASH

§ 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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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

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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]

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.

(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)

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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)

Deleted: container

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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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Deleted: c

Inserted: c)

Deleted: Glass, cans, aluminum, and plastics shall be emptied and rinse ... [3]

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Inserted: d) All recyclable material set out for collection must be in the C ... [4]

Deleted: e

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

Deleted: f

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

Deleted: ¶

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

Deleted: .

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Inserted: g

Deleted: d

Deleted: subsection (b)

NEWTON CODE ONLINE RECYCLING AND TRASH

§ 11-10

Deleted: 11-33

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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).

Deleted: recyclable

Deleted: Sec

Deleted: each subsequent offense

Inserted: each subsequent offense

(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)

Deleted: twenty-five dollar (\$25.00) fine, and each day of such non-compliance shall constitute a separate violation

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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).~~

Deleted: For each subsequent offense—a fine not exceeding

Deleted: per offense

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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

Cross reference—Licensing and permits generally, Ch. 17

Deleted: 11-33

Inserted: 11-33

Deleted: 11-8

Deleted: ashes or refuse

Deleted: garbage

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)

Deleted: D

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

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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.

Deleted: ()

Warning:

..... \$0.00¶

() First offense..... written warning

() Second offense..... \$50.00

() Third offense and subsequent offenses.....\$75.00 in calendar year

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

Deleted: ¶

() First offense..... written warning

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

() Second offense..... \$50.00

Deleted: and subsequent

() Third offense and subsequent offenses..... \$75.00 in calendar year

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

Deleted: and subsequent

() Third and subsequent offenses.....\$75.00 in calendar year

Deleted: s

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

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City of Newton



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

Setti D. Warren
Mayor

To: Honorable Board of Alderman
From: Thomas E. Daley, P.E. / Commissioner of Public Works *M*
Subject: Solid Waste Revised Ordinances
Date: May 27, 2010

10 MAY 28 AM 11:05
CITY CLERK
NEWTON, MA 02459

The proposed revised solid waste ordinances (color copy attached) has been approved by the Public Facilities Committee and the Finance Committee with some minor recommended edits below. The color copy of the revised ordinances attached are the original revisions docketed by the Mayor and recommended by the Solid Waste Commission. The following details for the most part have been drafted by Alderman Fuller on behalf of the Finance Committee with the assistance of us and the Law Dept. The following recommended changes by the Finance Committee to the attached revised ordinances have been reviewed and approved by the Law Dept. They are as follows:

Section 11-1

Language prior to Finance Committee Meeting:

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.

Possible new language per the discussion at the Finance Committee Meeting:

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. If, for whatever reason, the City finds it necessary to remove and dispose of a 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.

Rationale for new language:

The Committee was concerned that cleanouts may still be put out on the sidewalk and the City would be required to pick it up; when this occurs, the owner/occupant should be required to pay for it. (NOTE: the language mimics that in Section 11-14) -

Section 11-6Language prior to Finance Committee Meeting:

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....

Possible new language per the discussion at the Finance Committee Meeting:

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....

Rationale for new language:

The Committee would like the fee to reflect the actual full cost to the City. (NOTE: the language mimics that in Section 11-14)

Section 11-14Language prior to Finance Committee Meeting:

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 therefore the actual cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent....

Possible new language per the discussion at the Finance Committee Meeting:

Large and/or bulky items, which cannot be placed in the assigned receptacle, shall be considered bulky waste. 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 therefore the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent....

Rationale for new language:

The Committee was concerned about the use of the word "shall" and "may" in the language. So, they wish to remove the new phrase in the first sentence that says "... and shall be collected per the commissioner of public works." They wanted to make it clearer that bulky items may be removed only after application and for a fee based on the actual full cost.

No language in the proposed ordinances reflects the current policy that residents may put out up to 5 bulky items with no fee. Please note that under the current ordinances, in place, the commissioner can charge for any amount of bulky waste, but the administration has not opted to impose it. The Administration and the Law Dept. do not believe that the "policy" of up to 5 bulky items with no fee should be put into the ordinance. However, the Administration will not implement any change to the policy without prior notification to the Board similar to other fees that can be instituted by the Administration without a full Board vote. It is the Law Dept.'s and our opinion that addressing the 5 bulky items for no fee issue is too much detail to be included in an ordinance.

Section 20-21

Language prior to Finance Committee Meeting:

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

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

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

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

Possible new language per the discussion at the Finance Committee Meeting:

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 per 365 day periodwritten warning for first day
- () Second offense per 365 day period\$50.00 for 2nd day
- () Third offense and subsequent offenses..... \$75.00 for 3rd day and each per 365 day period day thereafter

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

- () First offense per 365 day periodwritten warning for first day
- () Second offense per 365 day period\$50.00 for 2nd day

() Third offense and subsequent offenses..... \$75.00 for 3rd day and each
per 365 day period day thereafter

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

() First offense per 365 day periodwritten warning for first day

() Second offense per 365 day period\$50.00 for 2nd day

() Third offense and subsequent offenses..... \$75.00 for 3rd day and each
per 365 day period day thereafter

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

() First offense per 365 day periodwritten warning for first day

() Second offense per 365 day period\$50.00 for 2nd day

() Third offense and subsequent offenses..... \$75.00 for 3rd day and each
per 365 day period day thereafter

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

Rationale for new language:

The Finance Committee was concerned that the language as originally proposed was not clear on when fines could be levied. Meaning as originally written did it mean that an owner could vehemently break the law and would only receive a single \$75 fine after having a full cleanout on the street and cleaned up by the City three times. It would be less costly for the owner to pay the \$75 fine verse cleaning up the mess in a timely manner.

Thank you for your consideration. Please contact myself or Elaine Gentile if you have any questions.

Cc: Mayor Setti D. Warren
R. Rooney / Chief Operations Officer
E. Gentile / Dir. of Env. Affairs
M. Lemieux / Chief Financial Officer
Solid Waste Commission
D. Turocy / Dep. Comm. of P.W.