

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE REPORT

MONDAY, JUNE 14, 2010

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

Absent: Ald. Ciccone and Linsky

Also Present: Ald. Sangiolo, Lennon and Harney

City Staff: David Wilkinson (Comptroller), Maureen Lemieux (Chief Financial Officer), Thomas Daley (Commissioner of Public Works), Chief Joseph LaCroix (Newton Fire Department), Linda Walsh (Interim Director of Health and Human Services) and Art Cabral (Interim Commissioner of Public Buildings)

#164-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend seven hundred twelve thousand one hundred twenty-six dollars (\$712,126) from Free Cash for the purpose of funding potential prior year collective bargaining requirements for Fiscal Years 2007 through 2009. [06/01/10 @ 5:11 PM]

ACTION: **APPROVED 4-0 (Ald. Danberg and Rice not voting)**

NOTE: Chief Financial Officer Maureen Lemieux and Comptroller David Wilkinson presented this item to the Committee. Mr. Wilkinson provided Committee members with an updated status sheet on Financial Reserves dated June 14, 2010, attached to this report.

Ms. Lemieux explained the Police Patrolman's Union contract has expired several years ago and is currently before the arbitrator. She stated this appropriation would cover the retroactive portion of the settlement in the prior year collective bargaining requirements. The FY10 and FY11 budgets contain a wage reserve for the potential contract settlement; however, there is no reserve for the prior year requirements of Fiscal Years 2007 through 2009.

Chairman Gentile asked when the City may hear from the arbitrator and if the contract was binding. Ms. Lemieux said the arbitrator has made a decision but the City has not received it and she was not aware if the contract was binding. Ald. Freedman said the Union has not agreed to the contract and asked why the letter is requesting authorization of this appropriation. Mr. explained the terminology in the letter is wrong, the Committee will be approving the request from Free Cash to Wage Reserve and the money has been carried in the Free Cash account. Ald. Salvucci moved approval of this item, which carried unanimously.

#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]

ACTION: **APPROVED 5-0 (Ald. Danberg not voting)**

NOTE: Chief Joseph LaCroix presented the item to the Committee. He stated the grant was received from FEMA's FY09 Assistant to Firefighters Grant Program. The total cost of the approved project is \$70,472.00, of which the federal share is of \$56,378.00 and the City share is \$14,094.00. Chief LaCroix is requesting the approval of \$14,094.00, this grant will be used to provide emergency vehicle operations training for the City fire and rescue personnel. The grant will also cover the costs of driving courses provided by the Central Massachusetts Safety Council and classroom costs. Ald. Fuller moved approval of this item, which carried unanimously.

#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: **APPROVED 5-0 (Ald. Danberg not voting)**

NOTE: Chief Joseph LaCroix presented the item to the Committee. He stated this appropriation will enable the City to meet its obligation to pay medical bills for members of the Fire Department injured on duty through June 30, 2010. Currently, there are two firefighters out on long-term injury leave.

Chairman Gentile asked if the item was originally appropriated for \$150,000.00. Comptroller David Wilkinson said \$150,000.00 is set aside each year for medical costs for injured firefighters and police officers. The fund is intended to be divided in half and each half used in each of the departments. The Fire Department usually uses their share and they are currently in arrears of \$25,000.00. At the end of this year, it is anticipated the City will spend \$200,000.00. Chairman Gentile asked if salary accounts were reviewed and if there was savings available to fund these medical expenses.

Ms. Lemieux asked if the Committee would prefer this appropriation be taken from the Fire Departments overtime account. Chairman Gentile asked if there are benefits using Free Cash. Mr. Wilkinson said there are sufficient funds in the overtime account to use. Ms. Lemieux stated moving forward the Executive Department would prefer adjusting money within the department to fund their expenses. Chairman Gentile suggested the approval of this item as submitted, and if the Executive Department prefers using a different funding source they provide a letter of recommendation prior to the Board of Aldermen meeting on June 21, 2010. Ald. Fuller moved approval of this item, which carried unanimously.

#167-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend four hundred seventy-three dollars (\$473) from the Receipts Reserved for Appropriation Fund/Fire Prevention Fines, which funds are restricted for fire prevention purposes, to purchase 5 ticket books. [06/01/10 @ 5:10 PM]

ACTION: **APPROVED 5-0 (Ald. Danberg not voting)**

NOTE: Chief Joseph LaCroix presented the item to the Committee. He said this appropriation will allow the purchasing of five citation books. Massachusetts laws have changed allowing the Fire Department to retain revenues collected from major fire prevention and

violation fines. All such collections are restricted for fire prevention purposes in the City's Receipts Reserved for Appropriation Fund. The year to date collections through April 2010 is \$1,900.00. Ald. Salvucci moved approval of this item, which carried unanimously.

#166-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fourteen thousand six hundred dollars (\$14,600) from Free Cash to the Public Buildings Department for the purpose of funding enhanced landscaping related to the renovation project at Fire Station #4 at 195 Crafts Street. [06/01/10 @ 5:10 PM]

ACTION: **APPROVED 5-0 (Ald. Danberg not voting)**

NOTE: Public Buildings Interim Commissioner Art Cabral and Chief Joseph LaCroix presented this item to the Committee. Mr. Cabral stated this appropriation would fund enhanced landscaping at Fire Station #4. At the conclusion of the renovation project at Fire Station #4, a suggestion was made to further enhance the landscaping as compared to what was shown on the construction drawings. Mr. Cabral provided Committee members with a landscaping plan, attached to this report. The Public Buildings Department has received two quotes. It is anticipated the project will begin in early July, plantings and grass will be grown in the fall.

Ald. Freedman asked who maintains the Fire Department grounds. Chief LaCroix answered it is the firefighter's regular duty to maintain the grounds and he does not foresee any problems.

Ald. Fuller asked why this appropriation is being requested from Free Cash. Chairman Gentile answered landscaping was left out of the original budget. Ald. Lennon asked if sprinklers would be installed. Mr. Cabral answered no; there are two water spigots on the property. Ald. Salvucci moved approval of this item, which carried unanimously.

#163-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation Fund for youth attending Parks and Recreation camp programs. [6-1-10 @ 5:07 PM]

ACTION: **APPROVED 4-0-1 (Ald. Fuller abstaining, Danberg not voting)**

NOTE: Chief Financial Officer Maureen Lemieux and Comptroller David Wilkinson explained this item to the Committee. Mr. Wilkinson said each year, the Commonwealth Golf Foundation pays the City three different payments, broken down as \$25,000.00 for conservation land maintenance, \$25,000.00 for park maintenance and \$15,000.00 to \$20,000.00 from Mayor's Golf Day. This year, the Mayor is requesting that the proceeds of \$15,000.00 from the Mayor's Golf Day be authorized to fund to the Parks and Recreation Revolving fund for the purpose of funding scholarships for youth attending a Parks and Recreation camp program during the summer.

Ald. Salvucci asked how the scholarships are awarded. Mr. Wilkinson said the Parks and Recreation Department makes the determination by issuing full or part scholarships. Ald. Fuller asked why the appropriation is not \$20,000.00. Mr. Wilkinson answered this appropriation was suggested by the Parks and Recreation Department. Ms. Lemieux said she will research the

basis for Parks and Recreation Department decision. What is the most effective way to use these funds and what amount does Parks and Recreation Department usually give for youth scholarships? Ald. Freedman moved approval of this item, four in favor and one abstention.

#169-10 HIS HONOR THE MAYOR requesting a transfer of \$30,000 from Free Cash to the Planning & Development Department to replace office furniture and supplies that were lost due to flooding from the March 2010 storms. [06/01/10 @ 5:09 PM]

ACTION: **APPROVED 5-0 (Ald. Rice not voting)**

NOTE: Chief Financial Officer Maureen Lemieux and Public Works Commissioner Thomas Daley presented this item to the Committee.

Ms. Lemieux stated the basement is almost complete and provided an overview of office furniture and supplies necessary to re-establish the Planning Department. The Planning Department employees have been disbursed throughout City Hall due to the flooding in March 2010. A mold expert determined what was salvageable and what was not. The City has applied to FEMA for reimbursement of these funds. Once the City is reimbursed, the transfer will be put back into the Free Cash Account. Ald. Fuller asked why this transfer is higher than the total replacement cost. Chairman Gentile assumes it is higher due to a contingency fee.

Office Furniture and Supplies

Reinstall six existing desks/panels \$1,000.00, 12 replacement desks with file drawers \$22,117.00, replacement of 14 bookcases \$2,395.00 and replacement of 21 floor mats \$861.00. Total replacement costs \$26,373.00.

Ald. Danberg asked what the City is doing to prevent flood damage in the future. Mr. Daley answered the Engineering, Public Buildings and Public Works Departments have met to discuss what they can do in the future to perhaps prevent water damage. He said the City is repairing the front steps of the War Memorial where water seeped in and they have also installed drain extensions and will install sump pumps. Ald. Fuller moved approval of this item, which carried unanimously.

#165-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from the Riverside Traffic Mitigation Fund (special permit #40-97(2) and board order #155-00) for the purpose of installing traffic calming measures at Grove, Hagar, Concord, and Cornell Streets and Pine Grove Avenue as previously approved by the Board of Aldermen in board order nos. 21-05(5) and 342-08. [06/01/10 @ 5:11 PM]

ACTION: **APPROVED 4-1 (Ald. Salvucci opposed and Rice not voting)**

NOTE: Chairman Gentile said Public Facilities Committee granted this item last year. This item was docketed because Ald. Sangiolo inquired about the progress of the project to bring traffic calming to fruition. He said it is Mayor Warren's desire to use the funds from the Riverside Traffic Mitigation Fund to begin these traffic calming measures.

Public Works Commissioner Thomas Daley presented the item to the Committee. Mr. Daley

stated he is requesting this appropriation to pay for the installation of the following traffic calming measures. The installation of a new granite curb traffic island on Grove at Hagar Streets and a scored concrete traffic island on Hagar and Concord Streets, the installation of a raised intersection on Grove Street at the intersection of Grove and Cornell Streets and the installation of raised speed crosswalk on Grove Street at the intersection of Grove Street and Pine Grove Avenue. The reconstruction of Grove Street is scheduled to begin this summer. The project will be completed by City employees and tracked by daily logs. Ald. Sangiolo said she is hopeful the final cost will be less than the original estimate.

Ald. Harney said constituents look forward to seeing traffic calming measures in their neighborhood. Ald. Danberg asked what remains in the \$250,000.00 Mitigation Fund. Ald. Sangiolo said studies were performed in the Williams School area, Lower Falls and signs were installed at the request of Lasell College in the Williams School area. She estimates \$150,000.00 remains.

Ald. Sangiolo asked Mr. Daley to follow up with the small traffic island at the end of Hagar and Concord Streets that is not part of this Mitigation Fund. She said she was informed by City Engineer Mr. Taverna the Department of Public Works would install this very small island. Ald. Danberg moved approval of this item, four in favor and one opposed.

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
APPROVED SUBJECT TO SECOND CALL 4-0-2 (Freedman and Fuller
abstaining; Danberg not voting) on 5/24/10
RECOMMITTED TO FINANCE ON 6/7/10**

ACTION: APPROVED 4-0-2 (Ald. Freedman and Danberg abstaining)

NOTE: Chairman Gentile said this item was recommitted to the Finance Committee because there were concerns with the language regarding bulk trash and how it should read in the City Ordinance in Section 11-14. Committee members previously agreed to eliminate clean outs and strengthened the Commissioners authority to charge residents that put out large amounts of bulky waste with the Board of Aldermen's approval. The Department Public Works will continue to collect up to five bulky trash items a week from each residence, as long as the resident calls for pick up. The Department can no longer pickup large amounts of trash related to cleanouts. The Law Department and Solid Waste Commission have reviewed the City Ordinance and do not believe that the policy of up to 5 bulky items with no fee should be put into the ordinance.

Public Works Commissioner Thomas Daley provided Committee members with a proposed amendment to the new language of the City Ordinance, Section 11-14 for their review, attached to this report. The last paragraph confirms the City's current policy and provides language indicating the Commissioner may impose a fee on bulky items with the Board of Aldermen's

approval.

Ald. Danberg said the proposed amendments are still not clear, Ald. Freedman agreed. Ald. Fuller felt the proposed language corresponds with reality and said the previous language did not. She asked if clean outs and move outs are defined differently. Mr. Daley answered yes. She then suggested adding move outs, clean outs and rubbish definitions to the language. Ald. Freedman said residents may disagree without a spelt out definition of clean outs and move outs. Ald. Salvucci asked how residents were informed of the policy to call for pick up of bulky items. Mr. Daley answered residents were informed by educational material packets provided when the program was instituted. 80% of calls received are for the pick up of bulky items.

Mr. Daley said he would ask the Law Department for their advice and ask them to review the current and proposed new language. He will also ask them to define bulky items, clean outs and move outs. Chairman Gentile asked Mr. Daley to work with the Law Department to 1) amend the move out language to be in agreement with clean out language and 2) approve the 'blue' section of the proposed language. Mr. Daley is hopeful he will have the requested information prior to the Board of Aldermen meeting on June 21, 2010. Chairman Gentile moved approval of this item, four in favor and two abstentions.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#170-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend (A) seventy nine thousand five hundred dollars (\$79,500) from the Receipts Reserved for Appropriation Fund-Sale of Recyclables to fund the first year of a three-year lease-to-own a new front end loader and (B) eighty five thousand dollars (\$85,000) to purchase a new Allu heavy-duty compost material processing attachment for use in the composting operation at Rumford Avenue.
[6/1/10 @ 5:05 PM]

**PUBLIC FACILITIES APPROVED 6-0-2 (Gentile and Salvucci not voting)
on 6/9/10**

ACTION: HELD 6-0

NOTE: Chairman Gentile provided Committee members with an updated letter dated June 14, 2010 from the Executive Department requesting the appropriation be increased to \$240,000.00 for the outright purchase of a front end loader, attached to this report. Chairman Gentile said he would like the City to retain a trommel screen instead of renting it. He asked that this item be held until the next Finance Committee meeting enabling him to have a discussion with the Executive Department to assist Mr. Daley with necessary equipment the department needs in order to complete composting operations.

Public Works Commissioner Thomas Daley agreed with Chairman Gentile and agreed the trommel screen would be an asset but feels the front end loader and the Allu heavy-duty compost material processing attachment are crucial pieces of machinery. He is hopeful to have these machines operating by the fall leaf season. Mr. Daley stated the composting operation at Rumford Avenue is a crucial component of the current solid waste management contract. Instead of trucking all generated yard waste to Norton, the City now collects and composts all material at Rumford Avenue. The program so far has been very successful and is saving the City

each year approximately \$200,000.00. Mr. Daley said the front end loader and Allu heavy-duty compost material processing attachment has a pay back of 2 ½ years, the trommel screen has a pay back of approximately 9 years.

Ald. Danberg suggested the approval of the funding for the front end loader and a new Allu heavy-duty compost material processing attachment and to continue renting the trommel screen for another year. Ald. Fuller asked Ms. Lemieux to discuss the payment options. Ms. Lemieux said to reduce the Department of Public Works Budget it was decided to compost yard waste at Rumford Avenue instead of sending it to Norton without a realistic review on how operations would work. Recently, it was decided these pieces of equipment should be purchased by cash or bonds and not leased or rented. Ald. Danberg made the motion to hold this item, which carried unanimously enabling Chairman Gentile the opportunity to discuss the equipment needs of the Department of Public Works with the Executive Department.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#171-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty two thousand dollars (\$62,000) from DPW Salaries Expense to the Department of Public Works Environmental Affairs to cover the additional cost of residential solid-waste collection from the increased residential debris that resulted from the March 2010 storms. [6/1/10 @ 5:08 PM]

PUBLIC FACILITIES APPROVED 8-0 on 6/9/10

ACTION: APPROVED 6-0

NOTE: Public Works Commissioner Thomas Daley presented the item to the Committee. He said after the March rainstorms the Mayor authorized extra trash collections to deal with the increase in residential debris. As a result, solid waste collections were up approximately 450 tons in the month of April. Mr. Daley explained that the additional \$62,000 would be used to make payments to Waste Management. The breakdown of those costs were provided as an attachment to the agenda. Ald. Salvucci moved approval of this item, which carried unanimously.

#168-10 HIS HONOR THE MAYOR requesting transfers of two thousand dollars (\$2,000) from the postage account and two thousand five hundred dollars (\$2,500) from the printing account in the Health & Human Services Department to establish a Capital Account for the purpose of purchasing 3 laptop computers. [06/01/10 @ 5:08 PM]

ACTION: APPROVED 6-0

NOTE: Health and Human Services Interim Director Linda Walsh presented the item to the Committee. She said the environmental inspectors are currently using computers that are approximately ten years old. By purchasing these laptops, it would allow the inspectors to use their computers in the office field inspections. An electronic report could be created to streamline their works so that written reports would no longer be necessary. Data collection would also become easier and less labor intensive. Ald. Danberg moved approval of this item, which carried unanimously.

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

ACTION: APPROVED 6-0

NOTE: Ald. Freedman said this item was docketed because of last year's budget discussions. There was a discussion regarding elected officials under Massachusetts General Law, Chapter 32B, an Act authorizing the City of Newton Board of Aldermen to set a higher health insurance contribution rate for elected officials of the City of Newton than is set for other employee groups. Any elected official receiving any compensation automatically is considered a full-time employee for benefit purposes and receives the same health benefits as any other full-time employee. The Aldermen are classified as part-time employees and currently receive the full-time benefit of health insurance. The docketers feel there should be different amounts of contributions considered for Aldermen because they are not full-time employees. The purpose of this item is to request a Home Rule Petition to have the legislature allow the City an exception to Chapter 32B and establish a different rate for Aldermen in particular, but in general elected officials.

Ald. Fuller responded that the item before the Committee only addresses elected officials. She felt that the Mayor should not be included as part of the request for special legislation language to require elected officials to contribute a higher percentage rate for health insurance benefits, as the Mayor is a full-time employee. She then said the Act should be applied to include the Board of Aldermen and the School Committee. She asked if the draft Act reflects this. Ald. Freedman recommends contacting the Law Department to review and revise the Act determining who should be included under the definition for elected officials in the draft language. Ald. Rice asked if this legislation would reflect former elected officials. Mr. Wilkinson answered no, because they are retired. Ald. Rice asked how long the process of a Home Rule Petition is. Ald. Gentile answered it would be difficult to predict the processing time. Ald. Salvucci asked what the cost of employee's health insurance premiums is. Ms. Lemieux said a family plan costs the City approximately \$13,000.00. Ald. Freedman said if you do not take advantage of the health insurance plans, you receive a small stipend.

Chairman Gentile asked Ald. Freedman to work with the Law Department to amend the draft Act by adding the Board of Aldermen and School Committee members, rather than elected officials and ask if other people would be impacted by this Act.

Ald. Freedman moved approval of the item with the exclusion of the Mayor from the request for special legislation 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. This motion carried unanimously.

Committee Clerk's Note: Amended Draft Act from the Law Department dated June 15, 2010 is attached to this report.

Draft Board Orders for each of the items are attached. The Committee held all other items without discussion and adjourned at approximately 9:25 PM.

Respectfully Submitted,

Leonard J. Gentile, Chairman

CITY OF NEWTON, MASSACHUSETTS
STATUS - MAJOR GENERAL PURPOSE FINANCIAL RESERVES
June 14, 2010

	<u>Certified</u> <u>Free Cash</u>	<u>Overlay</u> <u>Surplus</u>	<u>Budget</u> <u>Reserve</u>	<u>Wage</u> <u>Reserve</u>	<u>Parking Meter</u> <u>Receipts</u>	<u>Capital Stabilization</u> <u>Fund</u>
Beginning balance - July 1, 2009	\$ 6,697,571	\$ -	\$ 750,000	\$ 731,397	\$ 1,512,770	\$ 16,688,591
Additions	-	2,492,944	-	-	1,171,943	254,413
Year to date appropriations	(5,013,912)	(2,242,944)	(747,896)	(562,500)	(2,342,645)	(6,894,427)
Pending current year appropriations	(840,820)	-	-	-	-	(115,243)
Designated for Police Officer PY collective bargaing obligations	-	-	-	(168,897)	-	-
Available balance:	<u>\$ 842,839</u>	<u>\$ 250,000</u>	<u>\$ 2,104</u>	<u>\$ -</u>	<u>\$ 342,068</u>	<u>\$ 9,933,334</u>

#164-10

CITY OF NEWTON

IN BOARD OF ALDERMEN

June , 2010

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of seven hundred twelve thousand one hundred twenty-six dollars (\$712,126)) be and is hereby appropriated from Free Cash for the purpose of funding potential prior year collective bargaining requirements as part of the Police Patrolman's Union Contract.

FROM:	Free Cash	
	01-3497	\$712,126
TO:	Lower Falls Traffic Impvmts	
	(0110498-5197).....	\$712,126

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 , 2010

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, authorization to accept and expend a grant from the Federal Emergency Management Agency (FEMA) FY09 Assistance to Firefighters Grant Program in the amount of fifty six thousand three hundred seventy-eight dollars (\$56,378) to be used for providing emergency vehicle operations training be and is hereby approved;

FURTHER ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of fourteen thousand ninety-four dollars (\$14,094) to be appropriated from Free Cash for the purpose of providing the local share of the grant program be and is hereby appropriated, granted, and expenditure authorized under the direction of the Fire Chief as follows:

From: Free Cash	\$14,094
(01-3497)	
To: Transfer to Federal Grant Fund	\$14,094
(0110499-5918)	

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, 2010

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of fifty thousand dollars (\$50,000), to be appropriated from Free Cash, be and is hereby appropriated, granted, and expenditure authorized under the direction of the Director of Human Resources for the purpose of funding through June 30, 2010 ongoing medical expenses for members of the Fire Department who have been injured on duty.

FROM:	Free Cash (01-3497)	\$50,000
TO:	Workers Compensation (0110492-575007)	\$50,000

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 , 2010

ORDERED:

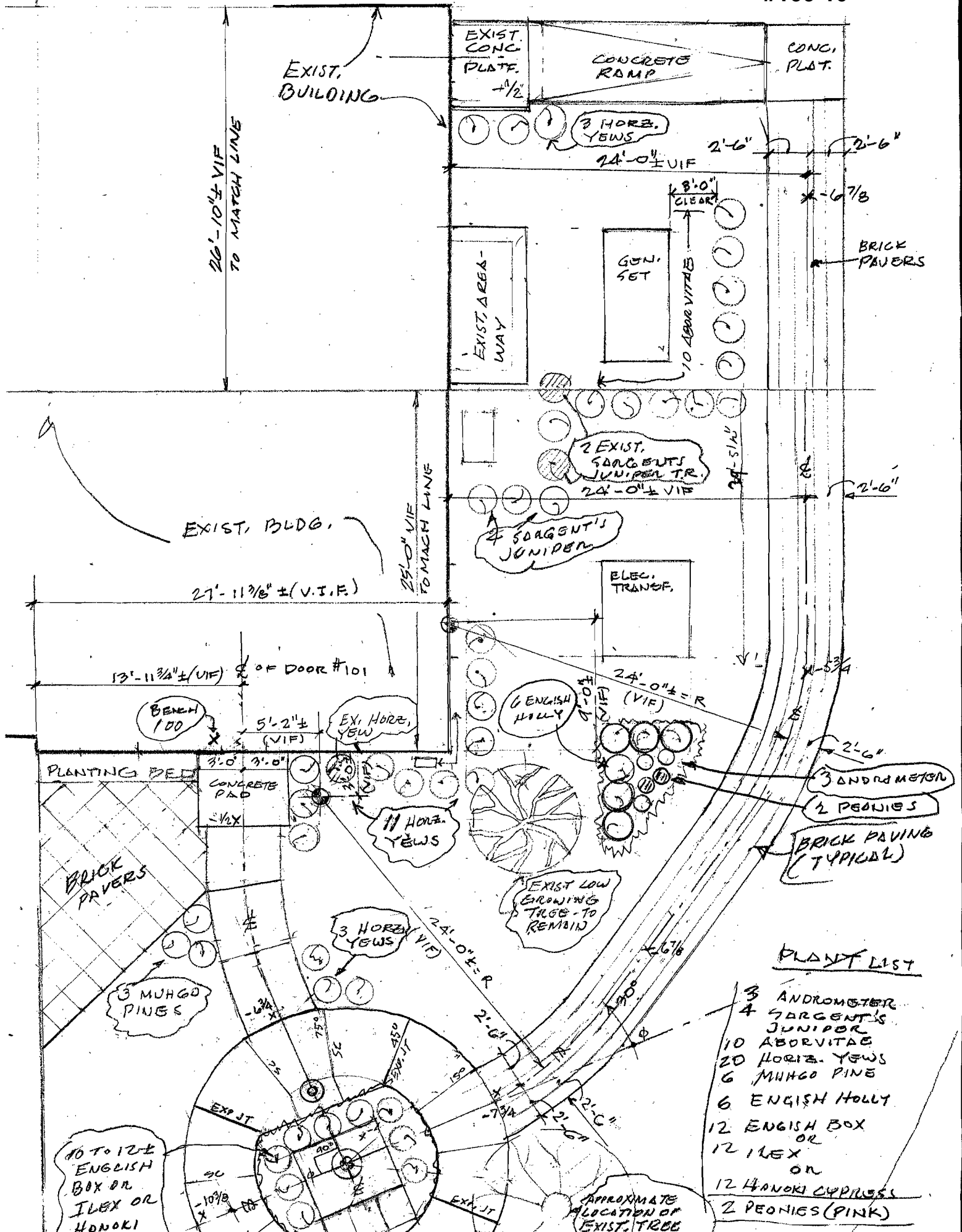
That in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of four hundred seventy-three dollars (\$473) be and is hereby appropriated from the Receipts Reserved for Appropriation Fund, Fire Prevention fines, to be expended under the direction of the Fire Chief, for the purpose of funding the purchase of five ticket books.

FROM:	Fire Code Violation Fines Receipts Reserved 14M210-590.....	\$473
TO:	Fire Code Violation Books (C210055-5342).....	\$473

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor



PLANT LIST

- 3 ANDROMEDA
- 4 SARGENT'S JUNIPER
- 10 ABORVITAE
- 20 HORIZ. YEWS
- 6 MUHGO PINE
- 6 ENGLISH HOLLY
- 12 ENGLISH BOX OR ILEX OR HONOKI
- 12 HONOKI CYPRESS
- 2 PEONIES (PINK)

APPROXIMATE LOCATION OF EXIST. TREE

CITY OF NEWTON
IN BOARD OF ALDERMEN

June , 2010

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of fourteen thousand six hundred dollars (\$14,600) be and is hereby appropriated from Free Cash, to be expended under the direction of the Commissioner of Public Buildings, for the purpose of funding enhanced landscaping for the renovation project at Fire Station #4.

FROM:	Free Cash	
	01-3497	\$14,600
TO:	Transfer – Capital Proj. Fund	
	(0110499-593038).....	\$14,600

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 , 2010

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of fifteen thousand dollars (\$15,000) be and is hereby appropriated from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation Fund, to be expended under the direction of the Commissioner of Parks and Recreation, for the purpose of Funding scholarships for youth attending Parks and Recreation camp programs.

FROM:	NCGF Golf Day Receipts (14P103-5901)	\$15,000
TO:	Transfer to Revolving Fund (0110499-5913).....	\$15,000

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 , 2010

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of thirty thousand dollars (\$30,000) be and is hereby appropriated from Free Cash, to be expended under the direction of the Director of Planning, for the purpose of funding the replacement of office furniture and supplies lost as a result of the damage suffered to Planning Department Office due to the March flooding.

FROM:	Free Cash	
	01-3497	\$30,000
TO:	Planning Dept Office Furniture Repl - Flooding	
	(C114014-58515).....	\$30,000

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 , 2010

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of one hundred fifty thousand dollars (\$150,000) be and is hereby appropriated from the Riverside Traffic Mitigation Fund, to be expended under the direction of the Commissioner of Public Works, for the purpose of installing traffic calming measures at intersections along Grove Street in Lower Falls.

FROM:	Riverside Traffic Mitigation Fund	
	(14K101A2-5901).....	\$97,556
	(14K101A#-5901	\$52,444
TO:	Lower Falls Traffic Impvmts	
	(C401069-52409).....	\$150,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Section 11-14

Possible amendment to the new language.

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.~~ The commissioner may charge, with the approval of the Board of Aldermen, a fee to cover the total cost of removal and disposal of the bulky waste. The cost shall be determined by the commissioner of public works or his/her duly authorized agent.

RECEIVED
By City Clerk at 3:53 pm, Jun 18, 2010

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
Subject: Solid Waste Revised Ordinances
Date: June 18, 2010

It is with great pleasure that I submit what I hope to be the final revisions, etc. for the revised solid waste ordinances. At last weeks Finance meeting, it was requested for ease of all of your review to submit several attachments. Attachments "A" are the current ordinances. Attachments "B" are the red line version of the revised ordinances. Attachments "C" are the final version that you are being requested to approve.

Also any comments that came out of Finance were reviewed by the Law Dept. and are incorporated herein.

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.

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:

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

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

Commercial rubbish: Any rubbish 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, churches, hospitals, schools, and charitable, educational and benevolent organizations.

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

Recyclable materials: Clean and uncontaminated newspaper; glass; cans; aluminum; leaf and yard wastes; plastics; straw, sawdust and other such materials as the commissioner of public works may determine.

Refuse: All non-putrescible household solid wastes except those which constitute recyclable materials or ashes as defined herein.

Leaf and yard wastes: Leaves, grass clippings, soil, sand, manure, wood chips, shrub trimmings, plant cuttings and other similar materials.

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

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

Trash: All trash, including ashes, 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)

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

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

The department of public works, or its contractor, shall remove and process or dispose of all ashes, 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)

*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

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NEWTON CODE — RECYCLING AND TRASH

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 ashes, 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)

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 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. 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)

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

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)

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

(a) The City shall provide, or cause to be provided, one recycling container to each residential premises which receives municipal rubbish disposal services. The residents of each such premises shall:

- (1) take proper care to protect such recycling container from misuse, loss and 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.

(b) Glass, cans, aluminum, and plastics shall be emptied and rinsed and placed into such recycling containers or in the event that such containers become unavailable or if there are more recyclable materials than can be held in the container provided, in a suitable receptacle which can readily be identified by the collectors. Newspapers shall be placed into brown paper bags or securely bundled and tied with twine in packages not exceeding fifty (50) pounds and placed on top of said recycling containers or receptacles. Leaf and yard waste is to be set out in containers as directed by rules and regulations of the commissioner of public works.

(c) All such containers and receptacles shall be placed for collection on the outer edges of the sidewalk so as not to obstruct free passage of pedestrians thereon or in such other place and on days specified by the commissioner of public works or his duly authorized agent under rules and regulations prescribed for recycling purposes.

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(d) 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 subsection (b). (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)

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

(a) All persons whose trash is collected by the city shall comply with section 11-8 when placing recyclable materials for collection, unless specifically exempted pursuant to the provisions of subsection (b). Failure to comply shall result in the imposition of a twenty-five dollar (\$25.00) fine, and each day of such non-compliance shall constitute a separate violation.

(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 barrels, cans or rubbish containers of any kind shall be removed from the area of collection 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:

- (1) For the first offense—a written warning;
- (2) For each subsequent offense—a fine not exceeding fifty dollars (\$50.00) per offense.

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)

Cross reference—Licensing and permits generally, Ch. 17

Sec. 11-11. Permit to cart ashes or refuse.

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

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



NEWTON CODE — RECYCLING AND TRASH

location shall constitute a pickup point. Refuse from non-residential and residential units shall not be placed into the same dumpster for collection. For can 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 generated by each non-residential unit in such building shall not be set out for collection.

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

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.

Discarded or broken furniture, 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 and other large, bulky or unwieldy refuse may be removed and disposed of by the sanitation division 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 duly authorized agent, 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. 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)

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.

ARTICLE II. PUBLIC LANDFILLS AND RECYCLING DEPOTS

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

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

Sec. 11-35. Regulations of use.

Use of landfills, transfer haul stations and recycling depots maintained and/or operated by the city or by a contractor under contract with the city to do the same, by other than city employees acting within the scope of their employment, shall be limited to residents of the city, to owners or employees of commercial or industrial establishments located within the city and to such other persons as may establish to the satisfaction of the commissioner of public works that they are engaged in business activities within the city which require the disposal of trash or depositing of recyclable materials from such operations. All such use shall be upon permission of and in accordance with the rules of the commissioner of public works. No person shall dispose of any trash or deposit any recyclable materials originating outside the limits of the city to any such landfill, transfer haul station or recycling depot. All persons and commercial haulers, except city employees acting within the scope of their employment, using any such landfill,

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Chapter 11

RECYCLING AND TRASH*

Art. I. In General, §§ 11-1—11-33

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

ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

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

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. 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.

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

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;

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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

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NEWTON CODE ONLINE RECYCLING AND TRASH

§ 11-5

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.

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Refuse: All non-putrescible household solid wastes except those which constitute recyclable materials as defined herein.

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.

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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.

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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 th... [1]

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 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 that reflects the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent. All non-profit rubbish shall be placed for collection in accordance with this chapter. All non-profit rubbish collected by the City under this section shall comply with all requirements of this chapter.

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.

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NEWTON CODE ONLINE RECYCLING AND TRASH

§ 11-8

(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.

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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)¶

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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. ¶

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Deleted: Glass, cans, aluminum, and plastics shall be emptied and rinsed and placed into such recycling containers or in the event that such containers become unavailable or if there are more recyclable materials than can be held in the container provided, in a suitable receptacle which can readily be identified by the collectors. Newspapers shall be placed into brown paper b[... [2]

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Inserted: d) All recyclable material set out for collection must be in the C[... [3]

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Inserted: e) Receptacles shall be placed for collection in a manner ¶[... [4]

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Inserted: f) The Commissioner of Public Works may determine if a ¶[... [5]

B-7

(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)

(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.

(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).

(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).~~

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

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 . (c) All such containers and receptacles shall be placed for collection on the outer edges of the sidewalk so as not to obstruct free passage of pedestrians thereon or in such other place and on days specified by the commissioner of public works or his duly authorized agent under rules and regulations prescribed for recycling purposes.¶

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B-5

NEWTON CODE ONLINE RECYCLING AND TRASH

§ 11-15

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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)

Cross reference—Licensing and permits generally, Ch. 17

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

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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)

Deleted: garbage

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.

(a) Large and/or bulky items such as discarded or broken furniture, large toys, mattresses, rugs, and other large or unwieldy refuse which cannot be placed in the assigned receptacle shall be considered bulky waste. The department of public works may remove and dispose of up to five (5) bulky waste items per household per week without charge. All the materials put out for removal shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.

(b) The commissioner of public works in his sole discretion may remove and dispose of more than five (5) bulky waste items per household per week in accordance with the provisions relating to cleanout and moveouts.

(Rev. Ords. 1973, § 8-49; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83)

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Deleted: Discarded or broken furniture, 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 and other large, bulky or unwieldy refuse may be removed and disposed of by the sanitation division 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 duly authorized agent, 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
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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)

B-6

§ 11-33

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Secs. 11-16—11-33. Reserved.

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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 per 365 day period written 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 period written 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 period written 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 period written 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

B-7

NEWTON CODE ONLINE RECYCLING AND TRASH

§ 11-33

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

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Inserted: 11-33

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Deleted: 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¶
 ¶
 and trash ¶
 ¶
 () Third offense and subsequent offenses..... \$75.00 in calendar year ¶
 ¶
 () Third and subsequent offenses..... \$75.00 in calendar year

Inserted: 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¶ ... [6]

Inserted: and trash

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 ¶
 () Third offense and subsequent offenses..... \$75.00 in calendar year..... ¶
 ¶
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Chapter 11

RECYCLING AND TRASH*

Art. I. In General, §§ 11-1—11-33

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

ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

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

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. 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.

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

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;

*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

C-1

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.

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.

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)

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 (newsprint, cardboard, plastic, glass, etc.) by the resident and handled separately throughout the collection process.

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

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

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

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)

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 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 that reflects the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent. All non-profit rubbish shall be placed for collection in accordance with this chapter. All non-profit rubbish collected by the City under this section shall comply with all requirements of this chapter.

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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(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)

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(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)

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



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

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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)

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(a) Large and/or bulky items such as discarded or broken furniture, large toys, mattresses, rugs, and other large or unwieldy refuse which cannot be placed in the assigned receptacle shall be considered bulky waste. The department of public works may remove and dispose of up to five (5) bulky waste items per household per week without charge. All the materials put out for removal shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.

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

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Secs. 11-16—11-33. Reserved.

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:

.....	<u>PENALTY</u>
Sec. 11-7 How trash to be placed for collection.	
() First offense per 365 day period	written warning for first day
() Second offense per 365 day period	\$50.00 for 2 nd day
() Third offense and subsequent offenses..... per 365 day period	\$75.00 for 3 rd day and each day thereafter

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

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

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

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

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

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

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



#170-10
170-10



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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(617) 796-1100
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(617) 796-1113
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(617) 796-1089
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swarren@newtonma.gov

June 14, 2010

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

Ladies and Gentlemen:

I write to amend a request that was submitted to your Honorable Board on June 1, 2010, Docket Item #170-10.

The original request was to fund the first year of a three year lease-to-own a new front end loader in the amount of \$79,500 for the purpose of operating the yard waste to compost operation at the Rumford Recycling Center. The decision to purchase the equipment outright would yield increased savings to the City by going out to bid and avoiding interest payments to a third party.

Therefore, I request that the appropriation be increased to \$240,000 from the Receipts Reserved for the Appropriation Fund-Sale of Recyclables for the outright purchase of the front end loader. The second appropriation for the Allu processing attachment remains as stated.

Thank you for your consideration of this matter.

Very truly yours,

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

Setti D. Warren
Mayor

10 JUN 14 PM 6:20
CITY CLERK
NEWTON, MA 02459

CITY OF NEWTON
IN BOARD OF ALDERMEN

June , 2010

ORDERED:

That in accordance with the recommendation of the Public Facilities Committee through its Chairman Sydra Schnipper and the Finance Committee through its Chairman Leonard J. Gentile the sum of sixty-two thousand (\$62,000), be and is hereby transferred from the following fund sources to be expended under the direction and control of the Commissioner of Public Works, for the purpose of covering the additional cost of residential solid waste collection due to increased residential debris as a result of the March storms.

FROM:	DPW Salaries (0140101-511001).....\$30,000 (0140102-511002).....\$32,000
TO:	DPW Expenses (0140111-5292).....\$62,000

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 , 2010

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of four thousand five hundred dollars (\$4,500) be and is hereby appropriated from the Public Health Expenses Accounts, to be expended under the direction of the Commissioner of Health and Human Services, for the purpose of funding the purchase of three laptop computers.

FROM:	Public Health Expenses	
	0150101-5341	\$2,000
	0150101-5342	\$2,500
TO:	Public Health Capital Outlay	
	(0150102-58511).....	\$4,500

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

6/15/10

Docket Item #87-08 DRAFT for discussion purposes:

AN ACT AUTHORIZING THE CITY OF NEWTON BOARD OF ALDERMEN TO SET A HIGHER HEALTH INSURANCE CONTRIBUTION RATE FOR MEMBERS OF THE BOARD OF ALDERMEN AND THE SCHOOL COMMITTEE OF THE CITY OF NEWTON THAN THE CITY SETS FOR OTHER EMPLOYEE GROUPS

SECTION 1. Notwithstanding any general or special law to the contrary, the City of Newton, acting by and through its Board of Aldermen, is hereby authorized to set, for members of the Board of Aldermen and for members of the School Committee, a percentage rate of employee contribution for total monthly health insurance premium costs to be paid by such members that is higher than such percentage rate set by the City under the provisions of G.L. c. 32B for other eligible active employees. Such higher rate of contribution shall be uniform for all such members, and shall in no event be greater than fifty percent of the total monthly health insurance premium costs, the maximum active employee contribution rate allowable under the provisions of said G.L. c. 32B.”

SECTION 2. This act shall take effect upon its passage.