



Programs & Services Committee Agenda

City of Newton **In City Council**

Wednesday, October 17, 2018

7:00PM

Room 211

Items Scheduled for Discussion:

#519-18 Appointment of Alissa Ocasio Giuliani as City Solicitor

HER HONOR THE MAYOR appointing ALISSA OCASIO GIULIANI as City Solicitor, pursuant to Section 3-4 of the Newton City Charter, to be effective November 19, 2018. (30 days 11/14/18)

#520-18 Appointment of Lori Yarvis to the Farm Commission

HER HONOR THE MAYOR appointing LORI YARVIS, 1469 Centre Street, #1, Newton, as a member of the FARM COMMISSION for a term to expire October 31, 2021. (60 days: 12/14/18)

#521-18 Appointment of Charles Reilly to the Farm Commission

HER HONOR THE MAYOR appointing CHARLES REILLY, 158 Upland Road, Waban, as a member of the FARM COMMISSION for a term to expire October 31, 2021. (60 days: 12/14/18)

#522-18 Re-appointment of James Harper to the Farm Commission

HER HONOR THE MAYOR re-appointing JAMES HARPER, 59 Westminster Road, Newton Centre, as a member of the FARM COMMISSION for a term to expire March 31, 2020. (60 days: 12/14/18)

#523-18 Re-appointment of Michael Goldman to the Farm Commission

HER HONOR THE MAYOR re-appointing MICHAEL GOLDMAN, 14 Saxon Terrace, Newton Highlands, as a member of the FARM COMMISSION for a term to expire July 31, 2020. (60 days: 12/14/18)

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- #524-18 Re-appointment of Vaunita Schnell to the Farm Commission**
HER HONOR THE MAYOR re-appointing VAUNITA SCHNELL, 68 Stearns Street, Newton Centre, as a member of the FARM COMMISSION for a term to expire March 31, 2020. (60 days: 12/14/18)
- #503-18 Discussion of handling of trash and recyclables by private haulers**
COUNCILORS LEARY, CROSSLEY, GREENBERG AND DOWNS requesting discussion and adoption of best practices, including a mandate to separate recyclables from trash and include recycling pick up to meet Massachusetts Waste Ban regulations, 310CMR 19.017, for private haulers doing business in the City of Newton.
- #127-18 Referred to Programs & Services and Finance Committees**
Prohibition on polystyrene-based disposable food or beverage containers
COUNCILORS DANBERG, ALBRIGHT, NORTON, CROSSLEY, LEARY AND KALIS requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments with in the City.

Respectfully Submitted,

John B. Rice, Chair



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#519-18
Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
rfuller@newtonma.gov

October 9, 2018

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Councilors:

Pursuant to Section 3-4 of the Newton City Charter I am appointing Alissa Ocasio Giuliani as City Solicitor effective November 19, 2018.

Ms. Giuliani has served as the Legal Advisor and General Counsel for the Boston Public Schools since 2008. In this role, she has managed all aspects of the in-house legal office for the Boston Public Schools, an organization with 125 schools, approximately 10,200 employees, and 55,500 students. She has reported to both the City of Boston Corporation Counsel and to the Superintendent of the Boston Public Schools. She has worked directly with the Mayor of Boston, the City's legal team, department heads, and the School Committee. Her work has spanned civil litigation and employment discrimination to civil rights, special education matters, and contracts. For six years before becoming General Counsel, she served as the Senior Assistant Corporation Counsel for the City of Boston Law Department and the Boston Public Schools.

Ms. Giuliani brings not only her deep experience but also a terrific management style to Newton. She is a leader and a listener. She is strong, smart and savvy. She will provide sage counsel to the Mayor, the City Council, the School Committee and City and School staff. She will be both a motivator and a capable manager within our Law Department.

We look forward to a final discussion between Ms. Giuliani and the Honorable City Council in the coming weeks.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

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Newton City Clerk
2018 OCT -9 AM 11:28
David A. Olson, City
Newton, MA 02459

ALISSA OCASIO GIULIANI

LEGAL EXPERIENCE:

City of Boston Law Department/Boston Public Schools Boston, MA

Legal Advisor/General Counsel October 2008 – Present

- Manage all aspects of the in-house legal office to the Boston Public Schools and Boston Public School Committee including management of budget, delegation of tasks, supervision and evaluation of Assistants Corporation Counsel and all support staff.
- Dual report to both the City of Boston Corporation Counsel and Superintendent of the Boston Public Schools.
- Work directly with Mayor, Mayor's leadership and staff on various legal, policy and strategy matters and projects impacting both the City and the school department.
- Serve as a member of the City Corporation Counsel's Management Team and Superintendent's cabinet.
- Provide direct advice, counsel, and representation to the Boston School Committee, Superintendent, department heads, and system-wide principals and headmasters in all areas of civil litigation, policy, procedure and compliance.
- Advise the Boston School Committee and Superintendent on compliance matters under State Public Records, Open Meeting, and Conflict of Interest laws.
- Oversee all legal representation of the school department in civil litigation, employment discrimination, civil rights, and special education matters in state, federal, and appellate trial courts as well as cases before state and federal agencies, including the U.S. Department of Justice and U.S. Department of Education Office of Civil Rights.
- Negotiate and advise on contracts and agreements for approval by Superintendent and Mayor, including invitations for bids, requests for proposals, contracts for goods, services, construction, intellectual property, telecommunications, etc. Assist in negotiation and drafting of contracts, leases and memoranda of understanding.

City of Boston Law Department/Boston Public Schools Boston, MA

Sr. Assistant Corporation Counsel May 2002 – October 2008

- In-house/staff attorney with Office of Legal Advisor providing advice, counsel, and representation to the Boston Public School Committee, Superintendent, department heads, and system-wide principals and headmasters in all areas of civil litigation, policy, procedure and compliance.
- Legal representation in areas of civil litigation, employment discrimination, civil rights, and special education. Represent City of Boston and Boston Public Schools in judicial and administrative proceedings in state, federal, and appellate trial courts as well as Department of Education and Massachusetts Commission Against Discrimination.
- Review and preparation of contracts for approval by Superintendent and Mayor, including invitations for bids, requests for proposals, contracts for goods, services, construction, intellectual property, telecommunications, etc. Assist in negotiation and drafting of contracts, leases and memoranda of understanding.
- Member of Corporation Counsel task force to advise City of Boston and Boston Public Schools on issues of electronically stored information (ESI) including development of policy regarding document retention and destruction as well as policy to promote compliance with Federal Rules of Civil Procedure on electronic discovery.
- Representation of client during mediation of legal disputes and arbitration of contractual disputes.
- Supervise and mentor junior associates, paralegals and legal interns.
- Successfully argued precedent-setting case in First Circuit Court of Appeals in attorneys fees litigation, *Doe v. Boston Public Schools*, 358 F.3d 20 (1st Cir. 2004).

Monahan & Associates, P.C.
Boston, MA

Associate
October 1999 – April 2002

- Handle civil litigation lawsuits for private clients involving interests in real estate and property disputes
- Handle all aspects of property and casualty insurance defense and litigation including third-party liability claims and first-party property coverage claims involving fraud, arson and business interruption
- Prepare coverage analysis and opinions for insurers including claims for damage involving property coverage, commercial liability and general liability
- Defense of insurers for extra-contractual claims, claims filed pursuant to MG.L. c. 93A and c.176D, subrogation matters and declaratory actions
- Defense of insureds in property damage disputes and personal injury claims
- Participate and assist senior litigation associates in all aspects of mediations in personal injury cases, including preparation and presentation of cases and negotiations
- Negotiate favorable settlements of numerous personal injury cases
- Extensive written discovery, deposition, and motion practice experience, including appearances in federal and state trial courts

Monahan & Associates, P.C.
Boston, MA

Law Clerk
June 1998 – October 1999

- Only law clerk of 1998 and 1999 summer intern classes to be offered position as associate in firm
- Drafted pleadings, motions, notices and client correspondence
- Conducted legal research and write memoranda of law
- Drafted and responded to complaints, answers, interrogatories and document production requests

Zalkind, Rodriguez, Lunt & Duncan
Boston, MA

Legal Assistant
June 1997 – June 1998

- Prepared legal memoranda and client correspondence
- Researched probate and divorce issues and organized case files
- Recorded and edited pleadings, discovery requests and responses and agreements
- Updated client invoices

Suffolk County Probate and Family Court
Boston, MA

Legal Intern
June 1996 – August 1996

- Researched and compiled Massachusetts information on divorce practice and procedure
- Observed and assisted probation officers in dispute interventions and guardianship proceedings
- Investigated and updated employment progress of former litigants in child support cases
- Translated legal documents and judicial proceedings for Spanish speaking litigants

EDUCATION:

Suffolk University Law School, Boston, MA

Juris Doctor, May 1999

Honors: Distinguished Brief Award, First Year Legal Writing Competition

Boston College, School of Arts and Sciences, Chestnut Hill, MA

BA, Economics, May 1996

Honors: Recipient Boston College/Boston Latin School Scholarship

BAR ADMISSIONS:

Commonwealth of Massachusetts	1999
U.S. District Court for the District of Massachusetts	1999
First Circuit Court of Appeals	2003
New York State	2008

PROFESSIONAL ASSOCIATIONS:

- Boston Inn of Court
- Boston Bar Association
- Massachusetts Association of Hispanic Attorneys
- NSBA Council of School Attorneys

LECTURES/MEMBERSHIPS/PROFESSIONAL ACTIVITIES:

- U.S. Attorney's Office "Ending School-to-Prison Pipeline" Conference, Panel Member
- National Business Institute, "School Law: Social Media and Apps, Cyberbullying, Privacy and Technology Issues, Seminar Presenter on "Protecting Student Privacy"
- "Schools and the Law", Harvard University Graduate School of Education, Guest Lecturer
- School Law for Boston Principal Fellows, Instructor
- Discovering Justice: The James D. St. Clair Court Education Project
- Boston Urban Debate League, Guest Judge

Conversant in Spanish; able to interview and advise Spanish-speaking clients, and translate documents



Ruthanne Fuller
Mayor

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rfuller@newtonma.gov

September 26, 2018

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

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Newton City Clerk
2018 SEP 26 PM 2:02
David A. Olson, CMO
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Lori Yarvis of 1469 Centre Street, #1, Newton as a member of the Newton Farm Commission. Her term of office shall expire on October 31, 2021 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Why are you interested in serving on a board or commission?

My husband and I moved to Newton in 2002 from New York City. We were attracted by the diversity of the community and with two young daughters at the time, we were impressed by the school system and the amenities in the community. We plugged into the library as a resource right away. Our family has always loved books and reading. I was an English literature major, am married to a writer, and have been a lifelong reader and book lover. The library is one of Newton's jewels. I have spent many hours at the library conducting research and enjoying its resources with my daughters when they were young. In addition, the importance of community gathering places like libraries can't be emphasized enough, especially in the age of social media and digitization of content. Finally, the library is open to all. It is a busy hive of activity where people from all walks of life can mix and mingle. My husband and I had the privilege of raising our daughters in Newton. Now that my daughters are both grown (and my husband and I recently "downsized" and decided to stay in Newton), I would truly like to give back to the Newton community. In addition to my 30 plus years advising clients on legally and compliantly managing growth, I believe I have excellent strategic planning, analytical, communications and organizational skills. I can't think of a better opportunity to contribute to our incredible community than by serving the library.

Yarvis Resume.doc

Upload a Resume

LORI YARVIS

1469 Centre Street, No. 1
Newton, MA 02461

PROFESSIONAL EXPERIENCE:

Archstone Law Group, PC
Newton, Massachusetts

2011-Present

Shareholder; Corporate and Transactional Attorney: Teams with her clients to help them achieve their goals while managing growth and staying legally compliant. Clients include health care practices and providers and food industry companies, technology companies, manufacturers and distributors, professional services companies, retailers and wholesalers and nonprofit organizations. Helps clients add value to their companies by adopting best practices.

Representative engagements in health care include: starting medical and dental practices, reviewing employment agreements when providers join a practice, counseling practitioners and health care practices through transitions and acquisitions, buy/sell agreements, and succession planning and exit strategies like partner buyouts or sales to a hospital or health care system.

Representative engagements in the food industry include: working with restaurant groups, supermarkets, food manufacturers and corporate caterers, among others; counseling clients on issues such as corporate structure, financing, contracting, risk management, acquisitions, sales, transitions and buyouts, and succession and exit planning.

General representation includes the following business transactions: Buy in and buy out agreements, commercial leases, corporate restructuring and spin-offs, master service agreements, client, vendor, supplier, distributor and other contracts, shareholder and operating agreements, stock and asset acquisitions, and general legal advice and counsel regarding asset protection, contracts and business agreements, corporate and regulatory compliance, data privacy compliance, financing, commercial leasing and risk management.

Schlesinger and Buchbinder, LLP
Newton, Massachusetts

2006-2011

Corporate and Transactional Attorney: Represented closely held and family businesses in their commercial transactions; negotiated and drafted agreements and provided counsel regarding business and asset acquisitions and sales, commercial financing and other business transactions; advise start-ups; negotiated and drafted shareholder and operating agreements, commercial leases and third-party contracts; handled licensing and permitting; and provided outside general counsel to companies.

ARTICLES AND PUBLICATIONS:

Article, "Massachusetts Data Breach Law Affects Small Business and Law Firms", Boston Bar Association Solo and Small Firm Newsletter (August 2009)

Article, "The Massachusetts Independent Contractor Law", Boston Bar Association Solo and Small Firm Newsletter (Summer 2008)

Article, "Keeping Your Company Legally Healthy", Newton-Needham Chamber of Commerce InBusiness (June 2007)

Article, "Spotlight on the Law-Shareholder Agreements", Boston Bar Association Solo and Small Firm Newsletter (March 2006)

Co-edited Employment and Personnel: A Handbook, Lawyers Alliance for New York (1995)

Co-edited the Fourth Edition of Advising Nonprofits, Lawyers Alliance for New York (1995)

Authored Fiscal Sponsorship Arrangements, Lawyers Alliance for New York (1992)

Note, "Signal Piracy: The Theft of United States Satellite Signals", 8 Fordham International L.J., 62-95 (1985)

Cited in "Worth Reading", The National Law Journal 5/13/85

EDUCATION:

Fordham University School of Law, New York, NY

J.D., May 1985

Business Editor, International Law Journal

Dartmouth College, Hanover, NH

A.B., Magna Cum Laude, June 1982

Major: English Literature

Phillips Andover Academy, Andover, MA

Diploma Cum Laude, June 1978

BAR MEMBERSHIPS:

New York State Bar and Federal Courts (S.D.N.Y. and E.D.N.Y.) 1986

New Jersey Bar 1986

Massachusetts Bar 2003

Boston Bar Association

Massachusetts Bar Association

New York City Bar Association

Massachusetts Women's Bar Association

The Boston Club

USA 500 New England Chapter



Ruthanne Fuller
Mayor

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To the Honorable City Councilors:

I am pleased to appoint Charles Reilly of 158 Upland Road, Waban as a member of the Farm Commission. His term of office shall expire on October 31, 2021 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Why are you interested in serving on a board or commission?

To whom it may concern, I am interested in becoming a board member for the Newton Farm Commission. By way of introduction, I have been a resident of Newton since 1974 and I am semi-retired from a career in Mental Health. My formative years in rural Dutchess County, N.Y. were spent weeding hoeing, picking and fertilizing our extensive family garden. As a young adult I worked on local farms. My family's garden did not call what we did organic gardening, however we traditionally used chicken manure, compost, rotated vegetables, kept the seeds from best of each vegetable crop and planted them next year. Now we call this organic gardening and heritage seeds. I have continued these practices and introduced intensive gardening (primarily because I have limited space and sun light on my property), rain barrels, trellises, drip irrigation, companion planting, and a number other practices consistent with a more environmentally friendly form of farming. While I still consider myself a novice, I also keep an apiary and tap my maple trees in the winter. Neither activity is a commercial success, however they do offer an immense amount of satisfaction and culinary pleasure. Professionally I have extensive managerial, educational and interpersonal experience in both private and public sectors. I work well with others, enjoy collaborative endeavors and am very good on logistics. I have managed million dollar contracts, written grants and proposals, and am facile in navigating social systems. I hope you will give my application consideration for the open position on your board. Sincerely, Dr. Charles J Reilly

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Upload a Resume

CURRICULUM VITAE

CHARLES J. REILLY, Ed. D.

Education

1970	B. A.	Boston University	Psychology
1974	M. S.	Boston University	Rehabilitation Counseling
1981	Ed. D.	Boston University	Counseling Psychology

Postdoctoral Employment

2000-2012	Director of Psychology and Forensic Services, Metro Boston Mental Health Units of Lemuel Shattuck Hospital
1992-2000	Director of Psychology and Forensic Services, Medfield State Hospital
1991-1992	Chief Psychologist, Medfield State Hospital
1986-1991	Clinical Director, Newton Guidance Clinic
1984-1986	Clinical Director, Cambridge Psychiatric Associates (affiliated with Cambridge Hospital, Department of Psychiatry)
1982-1984	Clinical Director, Human Resource Institute at Lawrence
1981-1982	Associate Clinical Director, Human Resource Institute at Lowell

Predoctoral Internship

1972-1974	Clinical Intern in Rehabilitation, Boston State Hospital
1975-1976	Clinical Intern in Psychology, Solomon Mental Health Center
1976-1977	Clinical Intern in Psychology, Somerville Mental Health Center, Children's Clinic (affiliated with the Department of Psychiatry, Harvard Medical School)

Other Related Employment

1976-Present	Psychotherapist, Associates for Counseling and Therapy in Newton
1977-1981	Psychotherapist, Human Resource Institute at Malden
1975-1976	Psychotherapist, Comprehensive Therapies in Brookline
1974-1975	Rehabilitation Counselor, Massachusetts Rehabilitation Commission in Cambridge
1969-1974	Psychotherapist/Clinical Coordinator, Boston State Hospital
1966-1972	United States Air Force, honorably discharged

License and Certification

1982-Present	Massachusetts Psychology License, No.3037
1993- 2013	Massachusetts Rehabilitation Counselor License, No.1005
1993- 2013	Massachusetts Marriage & Family Counselor License, No.958
1995- 2013	Academy of Health Care Providers in the Addictive Disorders, Certified Addictions Specialist, No. C-3466
1996-2016	American Psychological Association, Certificate of Proficiency in the Treatment of Alcohol and Psychoactive Substance Use Disorders, No. AD002210
2001-Present	Department of Mental Health, Commonwealth of Massachusetts, Designated Forensic Psychologist
2004- 2013	Department of Public Health, Commonwealth of Massachusetts, Licensed Addictions Counselor I, No. 1608

Major Training Areas

1972-1975	Group Therapy, Boston State Hospital
1972-1974	Family Therapy, Boston State Hospital, (Boston Family Institute)
1973-1975	Psychodiagnostics and psychotherapy with acute and long term hospitalized adolescents and adults, Boston State Hospital
1975-1976	Psychodiagnostics and psychotherapy with outpatient adults and families, Solomon Mental Health Center

Major Training Areas- Continued

- 1975-1976 Brief strategic psychotherapy with outpatient adolescents, adults and families, Comprehensive Therapies
- 1976-1977 Psychodiagnostics and psychotherapy with outpatient children, adolescents, adults and families, Somerville Mental Health Center
- 1982-1986 Substance Abuse, Human Resource Institute & Cambridge Hospital
- 1984 Employee Assistance, EAPA Training and Conferences, et al; Clinical experience at Cambridge Psychiatric Associates, Associates for Counseling and Therapy and Newton Guidance Clinic
- 1985-1986 Behavioral Medicine, Cambridge Hospital
- 1994-2000 Designated Forensic Psychologist Training, Medfield State Hospital

Membership

- 1981-Present Member, American Psychological Association
- 1984- 2013 Member, Association for the Advancement of Behavior Therapy
- 1984-Present Member, Massachusetts Psychological Association
- 1986- 2013 Diplomate and Fellow, American Board of Medical Psychotherapists, No. 407-1986

Research

- 2000 Dinn, W. M., Harris, C. L., Aycicegi, A., Greene, P. B., Marcinkiewicz, J. A., Reilly, C. J. Neurocognitive Function in Borderline Personality Disorder.
- 1998 Ratey, J., Reilly, C., Greenleaf, D., Mullen, J., Smock, J., Moynihan, J., Garber, G., Kellenberg, G., Bloomer, C., Bussey, J. A One Year Evaluation of a Female Specialty Unit at Medfield State Hospital.
- 1981 Ed. D. Dissertation: The Effects of Assertiveness and Career/Life Planning Training on Personal Assertiveness, Locus of Control, and Self-Concept of Disadvantaged Women

Academic Appointments

1985	Instructor in Psychology, Department of Psychiatry, Harvard Medical School
1998	Assistant Professor, Department of Psychiatry, University of Massachusetts Medical School
2002	Adjunct Faculty, Massachusetts School of Professional Psychology
2003	Adjunct Faculty, Department of Clinical Psychology at Antioch New England Graduate School
2004	Adjunct Faculty, College of Arts and Sciences at Suffolk University

References

Available upon request



Ruthanne Fuller
Mayor

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Warmly,

Ruthanne Fuller
Mayor

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JAMES J. HARPER, CPA
59 Westminster Road, Newton, MA 02459

PROFILE

Retired tax professional with additional expertise in financial reporting and control. Tax experience encompassed a range of industries and work with the IRS at the agent, Appeals and National Office levels. Reputation for high integrity, insight and creativity in managing the tax and accounting functions.

PROFESSIONAL EXPERIENCE

RETIRED

2014 to Present

IRON MOUNTAIN INCORPORATED, Boston, MA

2005 to 2014

\$3 billion storage and information management services company with more than 1,000 facilities in 36 countries.

Tax Director

Responsible for domestic corporate tax planning, accounting, return compliance and tax audits and appeals.

- Favorably concluded two IRS audits resulting in release of substantial reserves.
- Oversaw tax integration of several acquisitions and a major disposition.
- Assisted with preparation for Iron Mountain to become a Real Estate Investment Trust

SELF-EMPLOYED CORPORATE TAX CONSULTANT

2000 to 2005

Following KeySpan Energy's acquisition of Eastern Enterprises, assisted KeySpan with tax and accounting transition issues, including work on golden parachutes, tax planning for dispositions, pre-merger tax compliance, tax basis studies and merger accounting. Assisted Iron Mountain with corporate tax planning, accounting and return compliance.

EASTERN ENTERPRISES, Weston, MA

1975 to 2000

\$1 billion diversified holding company with both regulated and non-regulated operations, the latter of which over time included inland marine transportation, coal mining, oil and gas, distribution of water pipe and the manufacture and service of ultrapure water equipment. Acquired by Keyspan Energy in November 2000, creating the largest gas utility in the Northeast.

Vice President and Controller (1987 to 2000)

Responsible for corporate tax planning, accounting, return compliance, and IRS audits and appeals. Chief Accounting Officer responsible for 10-K and 10-Q filings. Also responsible for MIS operations supporting headquarters staff of 45.

- Reached favorable RAR settlement, including research credit for internal use software and current deductions for cyclical maintenance and reengineering, despite widely publicized IRS opposition to these items.
- Structured the operations of Ionpure, which manufactured and serviced ultrapure water equipment from 1989 until its sale in 1993. This \$50 million division operated internationally
- through seven subsidiaries in Europe and through agents in other countries.

JAMES J. HARPER, CPA

Page 2

- **EASTERN ENTERPRISES** (continued)
- Oversaw tax compliance in more than 30 states.
- Coordinated successful industry response to IRS proposal to capitalize gas utility deregulation costs.
- Created tax-free structures at the corporate level for three recent acquisitions, including Essex County Gas in 1998, Colonial Gas in 1999, and Energy North in 2000. Conducted tax due diligence for these companies and two other potential targets.
- Managed integration into KeySpan, identifying synergy costs, completing acquisition accounting and ensuring tax compliance.
- Structured sales of subsidiaries in 1993 and 1995 to maximize tax benefits.
- Converted legacy mainframe ledger and payables systems to PC-based systems in early 1990s.
- Managed implementation of optical storage system for accounting records.

Assistant Vice President, Taxes (1981 to 1987)

Responsible for tax planning and accounting, return compliance and audits.

- Lowered tax rate through elections to capitalize coal operations repairs, which in turn generated additional investment credit and percentage depletion.
- Structured sale of coal operations to create large artificial tax loss.

Tax Manager (1975 to 1981)

Responsible for tax planning and accounting, return compliance and audits.

- Created in-house tax return system used by company for ten years.
- Created automated system for tax compliance for oil and gas operations.

ARTHUR ANDERSEN & CO., Boston, MA**1972 to 1975****Tax Senior**

Responsible for domestic and international research, planning and compliance for a client base consisting of utility, manufacturing and individual clients.

US PEACE CORPS, Philippines**1968 to 1970**

Worked in the development and planning office of a small city in Southern Luzon.

EDUCATION**MS, Taxation, Bentley College, Waltham, MA, 1978****MBA, Harvard Business School, Cambridge, MA, 1972****BA, History, Economics and Government, *magna cum laude*, phi beta kappa, Wesleyan University, Middletown, CT, 1967****PROFESSIONAL AFFILIATIONS**

Past Chair of Federal Tax Committee, New England Chapter of Tax Executives Institute

Past Chair of Tax Committee, American Gas Association



Ruthanne Fuller
Mayor

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To the Honorable City Councilors:

I am pleased to reappoint Michael Goldman of 14 Saxon Terrace, Newton Highlands as a member of the Farm Commission. His term of office shall expire on July 31, 2020 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller
Mayor

Michael Edward Goldman, MBA

14 Saxon Terrace
Newton, MA 02461

Finance and Administration Professional

10+ years of management experience, including roles as senior management team member and interim executive director. Highly qualified professional operational functions. Strong analytical and assessment skills. Proven record of developing effective department structures and managing Finance, Human Resource, and IT.

Core knowledge and skill areas:

- Operations assessment
- Financial management and reporting
- Budget development and management
- IT infrastructure and project management
- Risk Management
- Employee Benefits
- Audit and regulatory compliance

Professional Experience

Cambridge Center for Adult Education, Cambridge, Massachusetts

2014 - Present

Assistant Director: Joined this 136 year old non profit as Board Treasurer; transitioned to staff role as Director of Finance & Administration; quickly moved to Assistant Director. Served as Interim Executive Director for nine months until returning to Assistant Director role in August of 2016.

- Responsible for finance, administration and facilities
- Supervise Business Manager, Director of Facilities, Registration and Customer Service Staff
- Serve as staff liaison to Board Executive, Audit & Finance, and Personnel Committees
- Manage organization annual budgeting, yearly audits, and regulatory filings
- Oversee capital projects and public agency grants supporting work
- Provided overall organizational leadership during nine month period as Interim Executive Director, while maintaining all other daily responsibilities

Families First Parenting Programs, Cambridge, Massachusetts

2001-2014

Director, Finance & Administration: Management team member of non-profit organization working to strengthen families through parenting education and other programs.

- Developed and ran first finance and administration department
- Managed agency annual budgeting, yearly audits, and regulatory filings
- Managed contracts, negotiated with vendors, and supervised agency accounting
- Oversaw agency's risk management activities
- Responsible for agency's human resource function including recruitment, hiring, onboarding, employee health care programs, and pension plan
- Managed technology infrastructure, including network administration and website
- Project managed database development and website redesign projects
- Provided editorial and budgetary assistance to grant writing efforts
- Reported to the Executive Director and served as staff liaison to the Board and Committees
- Served as Interim Executive Director for six-month period

Columbia Books, Inc., Washington, DC

1997-2000

President: Responsible for all operations of twelve person, 35 year-old directory publishing company. Duties included:

- Financial and human resource management
- Information technology
- Marketing and fulfillment
- Strategic planning

Led cost efficient, complete transformation of company's publishing, book fulfillment, and financial management systems. Achieved highest profit levels in company history. Came in as company's first outside executive and retained key personnel throughout tenure.

Other Relevant Professional Experience

Toucan Chocolates, Inc., Waban, Massachusetts

1991-1996

President: Founded chocolate company start-up. Built national distribution for high end products. Managed every function of organization including product development, contracted manufacturing, marketing, production, distribution, and finances. Committed company to environmental awareness through innovative use of recycled packaging materials, product sourcing, and financial support for efforts to preserve rainforests and cultures of people depending on them. Company won awards from gourmet food industry for quality of its products.

The Altwell Group, Waltham, Massachusetts

1988-1990

General Management Consultant: Provided strategic planning, cost structure evaluation, and operations analysis consulting. Performed competitive overview, evaluated store-level operations and identified major operational improvement opportunities for national retail clients. Observations, presentation to client, and recommendations later proved accurate when rival acquired client. Also provided research for a leasing industry client.

Heifer Project International, Bamenda, Cameroon

1981-1985

Agricultural Advisor: Countrywide livestock project. Determined returns to farm operations to assess their commercial potential. Developed marketing network and accounting system for dairy cooperative. Produced first commercial marketing of pasteurized milk in Cameroon. Trained farmers, civil servants, and initiated agricultural economic research program for Cameroonian government. Also served as Acting Project Manager.

Education

The Amos Tuck School, Hanover, New Hampshire

Master of Business Administration

University of Connecticut, Storrs, Connecticut

Master of Science in Agricultural Economics

Brandeis University, Waltham, Massachusetts

Bachelor of Arts in Psychology

Other

Affiliations

Finance Committee Member – National Tay-Sachs & Allied Diseases (NTSAD)
Commissioner – City of Newton Farm Commission



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#524-18

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rfuller@newtonma.gov

September 26, 2018

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

RECEIVED
Newton City Clerk
2018 SEP 26 PM 2:02
David A. Olson, CMO
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to reappoint Vaunita Schnell of 68 Stearns Street, Newton Center as a member of the Farm Commission. Her term of office shall expire on March 31, 2020 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

A handwritten signature in black ink that reads "Ruthanne Fuller".

Ruthanne Fuller
Mayor

Wae

5/24/88 ①

Vaunida Schell
48 Stearns St.
Newton Centre, Mass. 02459

Education

Fort Hays Kansas State College B.A. English
Hays, Kansas Graduated 1957

Purdue University
West Lafayette, Ind.

MA Guidance/Counseling
Graduated 1963

Experience

Argentine High School
Kansas City, KS

1957-1960
English/Journalism Teacher

Emery, Bird, Thayer
Kansas City, MO

Copywriter
1959-1961

University of Chicago Laboratory School Counselor/acting
Chicago, Ill. Director

1965-1969

Day Middle School
Newton, Mass.

Counselor, Director of
1973-1983 Guidance

Newton North High School
Newton, Mass.

Counselor
1983-1987

Newton South High School
Newton, Mass.

Counselor, 1987-1994
Director of Guidance
1995-2003

Northeastern University
Boston, Mass.

Adjunct professor
1996-2002

Publications

Approximately 20 publications in the field of guidance & counseling - presented at state and national conventions and in local and national journals.

Honors

Several honor societies in both high school and college. Outstanding education award.

Volunteer activities

About 20 various organizations over the years. In Newton, member (past) of the Newton Conservation Commission. Past president and current board member of the Friends of Hemlock Gorge. Founder of the Newton Community Farm along with a group headed by the Conservation Commission. In Mass, President (past) of the Child Study Assn.

Best Practices for Municipalities Developing Private Hauler Regulations

Best Practices for Municipalities Developing Private Hauler Regulations

FINAL – March 2017

Municipal Waste Ban Compliance Regulation

NOTE TO USER

The following document was developed in response to requests from municipal officials in the Commonwealth of Massachusetts who want to increase recycling by ensuring that all Private Haulers operating in the municipality are in compliance with the Massachusetts Waste Bans (310 CMR 19.017).

This document contains sample language that can be adopted as is, edited, or used in conjunction with Town specific language to best address the circumstances in each municipality. *Optional Language*, included as ATTACHMENT 2 with this document, provides additional language that may be important to some municipalities depending on their involvement in Solid Waste management, including: provision of recycling containers, unit-based pricing, food waste collection and other recycling incentives.

This guidance document can be used to adopt a bylaw/ordinance or regulation around three general areas:

1) Mandatory Recycling – If your municipality does not already require generators to separate Recyclables from Solid Waste, it is recommended that Section V in the attached template be adopted in conjunction with Sections 2 or 3 (below) to assure that the Permitted Hauler requirements under Sections 2 and 3 are fairly enforced by the municipality. Mandatory Recycling can help ensure compliance with the Massachusetts Waste Bans and support the efforts of Permitted Haulers to collect Solid Waste and Recyclables separately.

Information on Mandatory Recycling and Private Hauler regulations can be found on the MassDEP website: <http://www.mass.gov/eea/agencies/massdep/recycle/reduce/mandatory-recycling.html>

2) Residential Only Private Hauler Regulations - A municipality may choose to only regulate collection of Solid Waste from Residential Customers/Generators. If so, the sections referring to Commercial Customers should be eliminated from this document. Residential Customers/Generators, for purposes of this document, shall mean property owners and occupants of single and multi-family dwellings, condominiums, public housing, and mobile homes.

3) Residential and Commercial Private Hauler Regulations - A municipality may choose to regulate both residential and commercial waste hauling activity, and therefore adopt all the language contained in this document, as modified to meet the specific circumstances of each municipality.

In all cases, the final bylaw/ordinance and/or regulation developed should be reviewed by your Municipal Attorney before adoption.

Best Practices for Municipalities Developing Private Hauler Regulations

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GENERAL LANGUAGE TEMPLATE

**RULES AND REGULATIONS FOR REMOVAL, TRANSPORT, AND
DISPOSAL
OF SOLID WASTE OR RECYCLABLES
IN THE TOWN/CITY OF _____**

I. Purpose

The goal of these regulations is to protect public health and the environment and ensure that all Private Haulers collecting Solid Waste and Recyclables adhere to the Massachusetts Waste Ban regulations and uniformly comply with permit requirements established by the Town/City of _____. This should ensure that:

- The environmental benefits of recycling are maximized;
- There is joint enforcement of the Waste Ban requirements by the municipality and all Private Haulers operating within the municipality;
- There are fair and equitable rules for all Private Haulers operating in the municipality;
- All residents and businesses have convenient (parallel) access to recycling collection services;
- All Private Haulers licensed to operate in a municipality are in compliance with state regulations (310 CMR 19.017);
- There is greater consistency across municipalities to promote clear operating guidelines for Private Haulers; and,
- Municipalities and Private Haulers work together to support the goals of the Solid Waste Master Plan and the Global Warming Solutions Act.

II. Authority

These regulations establish minimum requirements for the systematic collection of Solid Waste and Recyclables in order to promote waste reduction, comply with State-mandated Waste Bans (310 CMR 19.017), and further the goals of the Town/City of _____. The Board of Health of the Town/City of _____ adopts these regulations under the provisions of Chapter 111 Sections 31, 31A, 31B, 122 and 150A of the Massachusetts General Laws.

Private Haulers shall only collect for disposal those items acceptable for disposal. Materials banned from disposal under 310 CMR 19.017 shall not be included with Solid Waste.

III. Effective Date

These regulations shall take effect on _____.

Best Practices for Municipalities Developing Private Hauler Regulations

IV. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meaning unless the content clearly indicates otherwise:

Commercial Customers/Generators shall mean property owners and occupants of any commercial, industrial, institutional, municipal, school, or mixed use building within the Town/City of _____.

Customer shall mean either Residential Customer/Generator or Commercial Customer/Generator.

Mercury Disposal Prohibition shall mean Disposal Prohibition Provision of the Mercury Management Act (Chapter 190 of the Acts of 2006). Effective May 1, 2008, mercury-added products cannot be disposed of in Solid Waste. The law also prohibits any Solid Waste collector from collecting as Solid Waste the contents of a Solid Waste container that the collector knows (or reasonably should know) includes one or more mercury-added products. Details may be found at this link:

<http://www.mass.gov/eea/docs/dep/toxics/laws/hgbanfaq.pdf>

Permitted Hauler shall mean any Private Hauler who has obtained a valid Private Hauler permit from the Town/City of _____.

Private Hauler shall mean any person or entity providing collection of Solid Waste and/or Recyclables for hire within the Town/City of _____.

Recyclables shall mean a material that is banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans. Mixed paper, cardboard, glass, metal, and plastic containers are priority materials of this regulation.

Residential Customers/Generators shall mean property owners and occupants of single and multi-family dwellings, condominiums, public housing, and mobile homes within the Town/City of _____.

Solid Waste shall mean useless, unwanted or discarded non-recyclable solid and liquid wastes, excluding items restricted from disposal in Massachusetts, as defined by Table 310 CMR 19.017(3) of the Massachusetts’ Solid Waste regulations (310 CMR 19.017).

Town/City shall mean the _____ *Town/City of* _____

Waste Ban Materials shall mean all materials designated as banned from disposal in the Commonwealth of Massachusetts pursuant to 310 CMR 19.017: Waste Bans, including: asphalt pavement, brick & concrete, cathode ray tubes, clean gypsum wallboard, commercial food waste, ferrous and non-ferrous metals, glass & metal containers, lead acid batteries, leaves and yard waste, recyclable paper, cardboard and paperboard, single resin narrow-necked plastics, treated and untreated wood and wood waste (banned from landfills only), white goods (large appliances), and whole tires (banned from landfills only).

Best Practices for Municipalities Developing Private Hauler Regulations

V. Mandatory Recycling

(NOTE TO USER: If the municipality has already codified Mandatory Recycling for waste generators, insert reference to municipal regulation/bylaw/ordinance here). These regulations are intended to support and align with the Town/City of _____ Mandatory Recycling bylaw/ordinance and/or regulation as follows.

OR

(NOTE TO USER: If the municipality has not yet codified Mandatory Recycling for waste generators, the following language may be utilized): In order to protect the environment, promote recycling and be in compliance with Massachusetts Waste Ban regulations (310CMR 19.017); the Town/City of _____ hereby establishes a requirement for mandatory separation of Recyclables from the Solid Waste stream. This requirement applies to all Residential Customers/Generators and Commercial Customer/Generators in the Town/City of _____.

(NOTE TO USER: Below are options to enact Mandatory Recycling for waste generators:

- *Massachusetts General Law Chapter 40 Section 8H enables the legislative body (Town Meeting, city council) to establish a program for recycling. Any recycling program established pursuant to this section may require that all residents, schools and businesses in a city or town separate from their Solid Waste those Recyclables designated by the municipality.*
- *Local Boards of Health may choose to adopt Mandatory Recycling regulations under the provisions of MGL Chapter 111 Section 31.*
- *Municipalities may choose to enforce the Massachusetts Waste Bans 310 CMR 19.017.)*

The Town/City of _____ will inform all generators (residential and commercial) at least once per year that recycling is mandatory.

VI. Permit Required

All Private Haulers wishing to collect, transfer, or transport Solid Waste or Recyclables generated within _____ shall be required to first obtain or annually renew a permit from the Town/City of _____. No Private Hauler may collect Solid Waste or Recyclables unless they have obtained a valid Private Hauler Permit from the Town/City. Private Haulers that collect only Recyclables must also be permitted.

A. Permit Application

The permit application shall include the formal name of the person or company, a statement that the person or company is registered to do business in Massachusetts and that the person or company is fully insured, and a contact name, address, and telephone number. Copies of certificates of insurance for public liability and property insurance also shall be included.

The permit application must include a statement that the Private Hauler understands, and is in compliance with the Massachusetts Waste Bans and Mercury Disposal Prohibition. The Private Hauler shall list the Solid Waste disposal facilities and the Recycling processing facilities where Solid Waste and

Best Practices for Municipalities Developing Private Hauler Regulations

Recyclables are expected to be delivered from Private Hauler’s Customers during the permit year. The application shall be signed by a designated representative of the company, permitted to do business within the Commonwealth of Massachusetts.

The application shall include information on the types of services intended to be offered, and the approximate number of collection trucks expected to be used in the municipality during the course of the permit year. The application shall include information on how the Private Hauler intends to ensure that Customers prevent Waste Ban materials from being disposed with Solid Waste, and how the Private Hauler intends to notify Customers of improper Recycling or Solid Waste disposal.

Upon receipt of a complete permit application, the Board of Health shall have _____ days to rule on the granting of a permit to operate within the Town/City of _____. In addition, the applicant shall pay an annual permit fee of _____ *(insert fee)* as determined by the Town/City of _____.

B. Annual Permit Renewal

Each Permitted Hauler shall annually submit a renewal application of his/her permit no later than the 1st of _____ *(insert month)* *(recommend one month in advance of permit expiration)*, by paying the annual permit fee.

The annual renewal application must indicate any changes from the original permit, including any change in Solid Waste or Recyclables facilities used, and must be signed by a business owner. The renewal must be accompanied by the following information or a completed Annual Solid Waste and Recyclables Reporting Form (ATTACHMENT 4):

- Total tons of Solid Waste collected for disposal and total tons of Recyclables collected for processing from Residential Customers/Generators within the Town/City of _____ during the previous calendar year or 12-month period. (In the case where the Permitted Hauler delivers loads for disposal or recycling that are combined with more than one municipality, then the Permitted Hauler must provide their best estimate of tonnage delivered from the Town/City.)
- The average number of Residential and Commercial Customers using each service (Solid Waste, Recycling) during the previous calendar year within the Town/City.
- The names of any Commercial Customers where the Permitted Hauler is providing Solid Waste only service.
- The names of any Commercial Customers where the Permitted Hauler is providing Recycling only service.
- Copies of any Waste Ban violation letters or notices received by the Permitted Hauler during the prior year that refer to loads collected within the Town/City of _____.

Failure to provide a complete and accurate Annual Solid Waste and Recyclables Reporting Form may be grounds for denial of a permit to operate within the Town/City of _____.

Annual permits will be issued by the 1st of _____ each year.

Best Practices for Municipalities Developing Private Hauler Regulations

C. General Permit Requirements

All Permitted Haulers must be in compliance with the following general permit requirements:

- All Permitted Haulers must clearly display the name of the company on each vehicle operating in the municipality.
- All Permitted Haulers must be in compliance with applicable federal, state and local laws. Each vehicle must meet all Department of Transportation safety requirements at all times.
- All materials must be securely contained in the vehicle. Littering or leaking shall be considered a violation of the permit.
- Recyclables shall not be commingled with Solid Waste when collected by the Permitted Hauler. Recyclables must be delivered to a processing facility designed to accept Recyclables. The Permitted Hauler shall inform Customers how to prepare acceptable Recyclables consistent with the requirements of the Recyclables processing facility.
- Permitted Haulers shall only collect for disposal Solid Waste which is not banned from disposal. It is the responsibility of the Permitted Hauler to educate the Customer about the Waste Bans and inform them that they will refuse to collect Solid Waste mixed with Waste Ban items that are visible to the driver/collector from any of their Customers (there is no requirement to open bags). Please refer to the list of Waste Ban items (ATTACHMENT 1) which may not be accepted at Massachusetts’ disposal facilities.
- In the event that the Permitted Hauler refuses to collect any materials, the Permitted Hauler will notify such Customers in writing of the reason(s) for refusal to collect the Solid Waste or Recyclables. In addition, the Permitted Hauler will advise the Board of Health about Customers who have received rejection notices. The Board of Health will, where possible, assist the Permitted Hauler with enforcement of the Mandatory Recycling provision and/or Waste Ban requirement.

VII. Bundled Service Requirement

(NOTE TO USER: The goal of this requirement is to ensure that Permitted Haulers provide a bundled service for the collection of both Solid Waste and Recyclables for each Customer. This ensures that all Customers have access to recycling services in order to be in compliance with the Waste Bans.)

A. Service to Residential Customers/Generators

For **Residential Customers/Generators**, the bundled service must provide Customers with Solid Waste and Recyclables collection at a rate that reflects the cost of providing both services. Solid Waste and Recycling services must be provided by the same Permitted Hauler unless otherwise pre-approved by the Board of Health. The Permitted Hauler may itemize the invoice to clearly show the cost of Recycling collection contained in the bundled service.

All Permitted Haulers serving Residential Customers/Generators must provide appropriately-sized, paired Solid Waste and Recyclables containers that are clearly marked and adjacent or in close proximity to each other.

Best Practices for Municipalities Developing Private Hauler Regulations

B. Service to Commercial Customers/Generators

For **Commercial Customers/Generators**, the Permitted Hauler must provide both Solid Waste and Recyclables collection; unless the Customer can provide proof to the Permitted Hauler that separate Recycling services are provided by another Permitted Hauler or via one of the methods listed on the Recycling Service Exemption Form (ATTACHMENT 5). Permitted Haulers may charge separately for the collection of Recyclables. Commercial Customers/Generators may choose to contract for collection of Recyclables by a second Permitted Hauler that only performs Recyclables collection. Permitted Haulers that collect only Recyclables are not required to collect Solid Waste.

Permitted Haulers must provide the names and addresses of their Solid Waste only Commercial Customers to the Town/City so the Town/City can follow up to ensure that those Customers are complying with the Waste Bans.

C. Exceptions

(NOTE TO USER: If the Town/City has a protocol for requesting an exception to any requirement of this regulation, insert here.)

VIII. Inspection

The Board of Health or its designee is authorized to inspect a Permitted Hauler’s truck and load at any time. The Board of Health also has the right to require weight slips or confirmation of disposal of Solid Waste or management of Recyclables.

IX. Enforcement

Enforcement of this regulation shall be by criminal complaint in the district court and/or non-criminal disposition ticket per MGL Chapter 40, Section 21D. Agents of the Board of Health or its designee shall have the power to enforce the provisions of this regulation.

A. Penalties

In the event that a Permitted Hauler fails to follow these regulations, the Board of Health reserves the right to impose reasonable fines and/or revoke the permit to operate within the Town/City, subject to the Appeal Provisions described below.

- (a) First offense warning
- (b) Second offense \$ _____ fine
- (c) Third offense \$ _____ fine
- (d) Subsequent offenses not less than \$ _____ nor more than \$ _____

Each day of failure to comply with the regulations shall constitute a separate violation.

Best Practices for Municipalities Developing Private Hauler Regulations

B. Appeal Provisions

Any Permitted Hauler cited for a violation of these regulations may appeal such citation by filing a written notice of appeal with the Board of Health within seven (7) days, exclusive of Saturdays, Sundays and legal holidays, from the date of said citation. A hearing will be held within 60 days from the date of the filing of the appeal. Written notice of the hearing date will be delivered to the applicant at least two (2) weeks prior to the scheduled date. The hearing will be conducted in accordance with the established procedures of the Board of Health.

C. Legal Provisions – Town specific

(NOTE TO USER: If the Town/City has standard language for legal provisions, insert here.)

Best Practices for Municipalities Developing Private Hauler Regulations

ATTACHMENTS

1. **List of Waste Ban Materials**
2. **Optional Language**
3. **Permit Application**
4. **Annual Solid Waste and Recyclables Reporting Form**
5. **Recycling Service Exemption Form for Commercial Generators**
6. **Waste Ban Educational Handout:**
<http://www.mass.gov/eea/docs/dep/recycle/laws/wbfact.pdf>

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

19.014: Prohibition on Open Dumps and Dumping Grounds and Illegal Disposal of Solid Waste

- (1) No person shall establish, construct, operate or maintain a dumping ground or operate or maintain a landfill in Massachusetts in such manner as to constitute an open dump. For the purpose of 310 CMR 19.014, the phrase "establish, construct, operate or maintain" shall include without limitation, disposing or contracting for the disposal of refuse in a dumping ground or open dump.
- (2) No person shall dispose or contract for the disposal of solid waste at any place in Massachusetts which has not been approved by the Department pursuant to M.G.L. c.111, § 150A, 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities* or 310 CMR 19.000.
- (3) No person shall dispose or contract for the disposal of solid waste at any facility in Massachusetts that is not approved to manage the particular type of solid waste being disposed.

19.015: Compliance

No person shall construct, modify, operate or maintain a facility except in compliance with a site assignment, permit or plan approved by the board of health or the Department, as applicable, and any authorizations issued by the Department and all conditions included in a permit, approval or authorization for said facility.

19.016: Post-closure Use

No person shall use a solid waste management facility site for any purpose after closure without:

- (a) obtaining a written approval from the Department for any post-closure use on a landfill's final cover or affecting an appurtenance to said landfill, including but not limited to, appurtenances required for the management of leachate, landfill gas and stormwater; or
- (b) submitting a valid certification in accordance with 310 CMR 19.035 for a post-closure use at a transfer station which is not a C&D transfer station; or
- (c) obtaining a presumptive approval in accordance with 310 CMR 19.034 for any other type of post-closure use at a solid waste facility not subject to 310 CMR 19.016(1)(a) or (b).

19.017: Waste Bans

- (1) Purpose. The Department may restrict or prohibit the disposal, or transfer for disposal, of certain components of the solid waste stream when it determines that:
 - (a) disposal of the material presents a potential adverse impact to public health, safety or the environment; or
 - (b) a restriction or prohibition will result in the extension of the useful life or capacity of a facility or class of facilities or reduce its environmental impact; or
 - (c) a restriction or prohibition will promote reuse, waste reduction, or recycling.
- (2) General and Specific Restrictions. Where the Department makes a determination to restrict or prohibit the disposal, or transfer for disposal, of a particular material it may:
 - (a) require as a condition of issuance of a permit that a facility prohibit or limit the disposal, or transfer for disposal, of particular types of material.
 - (b) require as a condition of continued operation under an existing plan approval or permit that a facility or a class of facilities prohibit or limit the disposal, or transfer for disposal, of particular types of material; or
 - (c) determine that a specific facility or class of facilities are not approved for the disposal of particular types of material and may not contract for the disposal of particular types of

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

19.017: continued

(3) Compliance with Waste Restrictions.

(a) Effective on the dates specified in 310 CMR 19.017(3): *Table* restrictions on the disposal or transfer for disposal of the materials listed therein shall apply as specified. No person shall dispose, transfer for disposal, or contract for disposal or transport of the restricted material, except in accordance with the restriction established in 310 CMR 19.017(3): *Table*. Any person who disposes, transfers for disposal or contracts for disposal or transport of restricted material may be subject to enforcement by the Department pursuant to 310 CMR 19.081.

(b) No landfill, transfer facility or combustion facility shall accept the restricted material except to handle, recycle or compost the material in accordance with a plan submitted pursuant to 310 CMR 19.017(6) and approved by the Department.

(c) On the effective date of the restrictions on Cathode Ray Tubes (CRTs), specified in 310 CMR 19.017(3): *Table*, all persons shall segregate CRTs from the solid waste stream.

Table 310 CMR 19.017(3)

Restricted Material	Effective Date of Restriction for Landfills or Combustion Facilities	Effective Date of Restriction for Transfer Facilities	Restriction
Lead Batteries	December 31, 1990	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Leaves	December 31, 1991	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Tires	December 31, 1991	April 1, 2000	Ban on disposal or transfer for disposal of whole tires only at landfills. Tires must be shredded prior to disposal in landfills.
White Goods	December 31, 1991	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Other Yard Waste	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Aluminum Containers	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Metal or Glass Containers	December 31, 1992	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Single Polymer Plastics	December 31, 1994	April 1, 2000	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

19.017: continued

Table 310 CMR 19.017(3) (continued)

Restricted Material	Effective Date of Restriction for Landfills or Com- bustion Facilities	Effective Date of Restriction for Transfer Facilities	Restriction
Asphalt Pavement, Brick and Concrete	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Metal	July 1, 2006	July 1, 2006	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Wood	July 1, 2006	July 1, 2006	Ban on disposal or transfer for disposal at landfills
Clean Gypsum Wallboard	July 1, 2011	July 1, 2011	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility
Commercial Organic Material	October 1, 2014	October 1, 2014	Ban on disposal or incineration or transfer for disposal at a solid waste disposal facility

(4) Criteria for Determinations of Waste Restrictions on Other Materials. In determining whether to restrict or prohibit the disposal of other materials the Department may consider:

- (a) the nature and degree of potential adverse impacts;
- (b) the quantities of restricted materials generated;
- (c) the availability of non-disposal management options for the restricted materials;
- (d) the economic impact on the facility, class of facilities or generators subject to the restriction;
- (e) such other factors as the Department deems relevant to such a determination.

(5) Exceptions. The Department may allow a facility or person to temporarily dispose or temporarily contract for the disposal of restricted materials, with prior notification and approval of the Department, under the following circumstances:

- (a) the material is contaminated or is otherwise not acceptable for recycling or composting, provided that the person who contaminated or rendered the material unfit for recycling or composting takes any action necessary to prevent a recurrence of the conditions which contaminated or rendered the material unfit; or
- (b) the recycling or composting operation or end user to which the restricted material is normally sent declines to accept the material or is prohibited from accepting the material as a result of an administrative or judicial order, provided that an alternative recycling or composting operation or storage facility which will accept the material cannot be found within a reasonable time.

(6) Waste Ban Plan Submissions.

- (a) The permittee or operator shall submit a plan, or modify an existing approved plan to include newly banned materials, which describes the actions to be taken to comply with the restrictions imposed at 310 CMR 19.017(3). The plan shall be submitted to the appropriate regional office of the Department.

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

19.017: continued

3. Facility response to failed loads, including:
 - a. communication; and
 - b. failed load disposition.
 4. Other compliance plan elements, including:
 - a. training;
 - b. signage; and
 - c. annual waste ban report.
- (c) In determining the adequacy of a plan the Department may consider, without limitation: the anticipated quantities and sources of restricted materials; the contractual terms which affect the delivery of said materials; the expected maximum and minimum percentages of diversion of said materials prior to delivery to the facility and capture of said materials at the facility; the design, operational, educational, informational, financial and marketing mechanisms to be employed to achieve compliance with the restriction; and the weighing and record keeping systems by which the Department can verify compliance with the restriction.
- (d) Facilities shall submit such plans at least 90 days prior to the effective date of the ban. The schedule shall not limit the Department from requiring submission of a plan as part of an application for a new or existing facility permit or modification of a permit or plan approval.

(7) Compliance with Waste Ban Plan. Failure to comply with approved plans submitted pursuant to 310 CMR 19.017(6) or applicable permit conditions shall constitute a violation of 310 CMR 19.000. The Department may allow *de minimis* quantities of restricted materials, as determined by the Department, to be disposed by the facility. The Department may require, in lieu of an enforcement action described in 310 CMR 19.081, a modified plan to be submitted when restricted materials are being disposed of in excess of approved amounts.

19.018: Third-party Inspections

- (1) Purpose. 310 CMR 19.018 sets forth third-party inspection requirements for specific types of facilities.
- (2) Applicability.
 - (a) The third-party inspection requirements at 310 CMR 19.018 shall apply to the following types of facilities and to individuals who conduct third-party inspections at such facilities:
 1. active landfills;
 2. closed landfills;
 3. handling facilities;
 4. combustion facilities; and
 5. other solid waste activities or facilities, as determined by the Department.
 - (b) Effective Date. The third-party inspection requirements of 310 CMR 19.018 shall be effective 180 days from February 14, 2014.
 - (c) Existing Third party Inspection Requirements. Where a facility has an existing third-party inspection requirement established in a permit or enforcement document issued prior to February 14, 2014 the facility shall use that inspection frequency (in the existing permit or enforcement document) if it is more frequent than the frequency specified in 310 CMR 19.018. All other requirements of 310 CMR 19.018 shall apply to such third-party inspections.
 - (d) Nothing in 310 CMR 19.000 shall be construed to limit the Department from determining that more frequent third-party inspections or more stringent requirements for third-party inspections are required for a facility. When deemed necessary by the Department,

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

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

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

City of Newton Licensed Haulers 2014

Contact Information/RecyclingServices Provided

Business Name	Phone	Website Address	Paper and Cardboard		Commingled (bottles and cans)		Single Stream/Zero-sort recycling		Bales	Construction and Demolition Materials (recycling)	Electronics	Food Waste	Waste Vegetable Oil
			Total	Dumpster	Total	Dumpster	Total	Dumpster	Total		Total	Dumpster	
Casella Waste Systems	978-817-3305	www.casella.com	x	x	x	x	x	x	x	Compactor			
Clean Way Waste Services, Inc.	617-361-5200	www.cleanwaywaste.com	x	x	x	x	x		Yes				
CRT Recycling	508-427-7740	www.recyclingelectronics.com							Yes				
ECMS Recycling, Inc	508-587-9696	www.eonsrecycling.net	x	x	x	x	x				Yes	x	Yes
Graham Waste Services	781-383-7000	www.grahamwaste.com									Yes	x	
H.A. Sanoomb Trucking Co., Inc.	508-620-0155					x	x	x	Yes		Yes	x	
JRM Hauling & Recycling	978-536-2500			x		x	x			x			
Republic Waste Services	781-560-1378	www.republicservices.com	x	x	x	x	x	x				x	
Refuse Disposal Services, Inc.	508-877-1710	www.refusedisposalservices.com	x		x				Yes			x	
Waste Management	617-438-6980	www.wm.com	x	x	x	x	x	x					
Waste Solutions, Inc.	781-834-7007	www.wastesolutions.ws					x						
Wellesley Trucking Service, Inc.	508-820-1662	www.wellesleytrucking.com	x	x	x	x	x	x	Yes		Yes	x	

PRIVATE HAULERS FOR RECYCLING AND TRASH
All haulers licensed in the City of Newton are required to provide recycling services to their customer (Section 11-5 of the Newton Municipal Code).

Businesses and Large Apartment buildings can arrange for curbside service for recycling and trash with one of the licensed haulers in Newton. (Residents may contact a hauler as well, for items not accepted at curbside.) Make sure you understand how your trash collection contract is structured. Separating recyclables from the trash can control costs by reducing dumpster size, weight and /or collection frequency. Depending on what materials you generate, haulers can provide collection of paper, cardboard, bottles/cans, single stream recycling, electronics, food waste, construction & demolition debris and trash.

In 1990, the Massachusetts Department of Environmental Protection (MassDEP) introduced its first bans on landfilling and combustion of easy-to-recycle and toxic materials. The waste bans (310 CMR 19.017) are prohibitions on the disposal or transfer for disposal of certain recyclable and/or toxic materials. People who generate solid waste and people who transport it to disposal facilities are subject to waste ban requirements. MassDEP conducts ongoing inspections at solid waste facilities to identify waste haulers and generators who improperly dispose of banned materials. <http://www.mass.gov/dep/recycle/solid/wastebans.htm>

OTHER SERVICES

Restaurant Grease Traps

Business Name	Phone	Website Address
John's Sewer and Drain Cleaning	781-569-6695	www.johnsewer.com
Patriot Services, Inc	508-697-9565	

Portable Toilet Services

Business Name	Phone	Website Address
Sanmass Inc	401-431-0411	sani-kan.com

Waste Vegetable Oil

Business Name	Phone	Website Address
American By Products, Inc.	781-593-3580	
Baker Commodities	978-454-8811	www.bakercommodities.com
Cape Cod Biofuels	508-833-8666	
Fuel Good	803.802.6252	www.usfoods.com/fuelgood
Independence Biodiesel	718-860-6600 x214	tristatebiodiesel.com
Maine Biofuels, Inc	207-423-1333	www.mainestandardbiofuels.com
Restaurant Technologies	978-729-9166	
Smart Fuel America	603-474-5055	smarfuelamerica.com

processes all waste vegetable oil into a biofuel called B100

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. ____

____, 2018

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton Massachusetts, 2012, as amended, be and hereby are further amended as follows:

Add a new section 12-72 to **ARTICLE IX.** of Chapter 12 as follows:

Section 12-72 Sustainable Food Containers and Packaging.

(a) **Short Title.** This Section may be cited as the "Sustainable Food Containers and Packaging Ordinance" of the City of Newton.

(b) **Declaration of findings and policy—Scope.**

The City Council hereby finds that the prohibition on the use of polystyrene, polyvinyl chloride or polyethylene terephthalate food and packaging containers by food service establishments and the sale or use of those products by any business in the City of Newton (the "City") is a public purpose that protects the public health, welfare and environment, advances solid waste reduction and protects waterways.

(c) **Definitions.**

(1) The following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) "Biodegradable" means that which is entirely made of organic materials such as wood, paper, bagasse or cellulose; or bioplastics that meet the American Society for Testing and Materials (ASTM) D7081 standard for Biodegradable Plastics in the Marine Environment or any other standard that may be developed specifically for an aquatic environment and are clearly labeled with the applicable standard.

(b) "Commissioner" means the City's Commissioner of Health and Human Services.

(c) “Compostable” means bioplastic materials certified to meet the American Society for testing and Materials International Standards D6400 or D 6868, as those standards may be amended. ASTM D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate. Compostable materials shall also include products that conform to ASTM or other third-party standards (such as Vincotte) for home composting. Any compostable product must be clearly labeled with the applicable standard on the product.

(d) "Department" means the City's Department of Health and Human Services

(e) "Disposable Food Container" means all food and beverage containers, bowls, plates, trays, cartons, cups, lids, straws, stirrers, forks, spoons, knives, film wrap, and other items designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments.

(f) "Food establishment" means a business establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the State Food Code.

(g) “Packing material” means any object made primarily from polystyrene foam used to hold, cushion, or protect items packed in a container for shipping, transport, or storage. This includes, without limitation, packing “peanuts”; and shipping boxes, coolers, ice chests, or similar containers made, in whole or in part, from polystyrene foam that is not wholly encapsulated or encased within a more durable material.

(h) “Polystyrene” refers to either of two basic forms, Foam and Rigid Polystyrene. Foam includes without limitation blown, expanded (EPS), and extruded foams such as “Styrofoam,” a Dow Chemical Co. trademarked form of insulation. Foam Polystyrene is generally used to make opaque cups, bowls, plates, trays, clamshell containers, meat trays, foam packing materials and egg cartons. Rigid or oriented polystyrene is generally used to make clear clamshell containers, cups, plates, straws, lids and utensils.

(i) “Prepared food” means any food or beverage, whether packaged or prepared for consumption on or off the food provider’s premises, using any cooking or food preparation technique or provided for further food

preparation.

- (j) “Recyclable” refers to material that can be sorted, cleansed, and reconstituted using Newton’s curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting or otherwise thermally destroying solid waste.
- (k) “Reusable” refers to products that will be used more than once in its same form by a food establishment. Reusable food service ware includes: tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor and customer that is provided take-out containers. Reusable materials include aluminum and glass. Reusable also includes cleanable durable containers, packages, or trays used on-premises or returnable containers brought back to the food establishment.

(d) **Prohibited Use and Distribution of Food Ware and Packaging.**

- 1. Food establishments are prohibited from dispensing prepared food or beverages to any person in disposable food containers made from polystyrene, polyvinyl chloride, or polyethylene terephthalate.
- 2. Food establishments using any disposable food service ware shall use biodegradable, compostable, reusable or recyclable food service ware. All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on premises.
- 3. Retail establishments are prohibited from selling or distributing foam polystyrene food service ware to customers.
- 4. Retail establishments are prohibited from selling or distributing polystyrene foam packing material to customers.

(e) **Effective Date.**

This Section shall take effect one hundred and eighty (180) days from the date of enactment.

(f) **Exemption.**

- (1) Foods prepared or packaged outside the City of Newton are exempt from the provisions of this chapter.

- (2) The Commissioner may exempt a food or other business establishment from the requirements of this Section for a period of up to six (6) months, upon a finding by the Commissioner that the requirements of this Section would cause undue hardship to the food establishment. An "undue hardship" shall mean a situation unique to the food or other business establishment where the establishment requires additional time in order to draw down an existing inventory of polystyrene, polyvinyl chloride or polyethylene terephthalate food and packaging containers or products and compliance with this section would cause significant hardship. Any food or business establishment receiving an exemption shall file with the Commissioner monthly reports on inventory reduction and remaining stocks.
 - (3) The Commissioner may exempt a food or business establishment from the provisions of this section for a period of one year for specific items or types of disposable food service ware if the Commissioner finds that a suitable biodegradable, compostable, reusable, or recyclable alternative is unavailable for a specific application and that imposing the requirements of this section on that item or type of disposable food service ware would cause significant hardship to the establishment. This exemption may be renewed if the Commissioner finds that a suitable alternative continues to be unavailable and the requirements of this section would continue to cause significant hardship to the establishment.
 - (4) Any food or business establishment shall apply for an exemption to the Commissioner using forms provided by the Department, and shall allow the Commissioner or his or her designee, access to all information supporting its application.
 - (5) The Commissioner may approve the exemption request, in whole or in part, with or without conditions.
 - (6) The Commissioner, by regulation, may establish a fee for exemption requests.
- (g) **Enforcement.**
- (1) **Fine.** Any food or business establishment which violates any provision of this Section or any regulation established by the Commissioner shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense.

(2) Whoever violates any provision of this Section or any regulation established by the Commissioner may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Commissioner of the Health and Human Services, or his or her designee, shall be enforcing persons.

(h) **Severability.**

Each separate provision of this Section shall be deemed independent of all other provisions herein, and if any provision of this Section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Section shall remain valid and enforceable.

-And-

In Sec. 17-23. Enforcing persons and revised ordinances subject to civil fine.

Amend paragraph (b), HEALTH AND HUMAN SERVICES DEPARTMENT, by adding after CITY ORDINANCES, Any offense, the following:

.....PENALTY

Section 12-72. Sustainable Food Containers and Packaging Ordinance

() First offense.....	Warning
() Second offense.....	\$100.00
() Third offense.....	\$200.00
() Fourth or subsequent offenses.....	\$300.00

Approved as to legal form and character:

(SGD) _____
City Solicitor

Under suspension of Rules
Readings Waived and Adopted
___ yeas and ___ nays

(SGD) _____
City Clerk

(SGD) _____
Mayor

CITY OF NEWTONIN ~~BOARD OF ALDERMEN~~CITY COUNCIL

ORDINANCE NO. ____

____, 2018

BE IT ORDAINED BY THE BOARD OF ALDERMENCITY COUNCIL
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton Massachusetts, 2012, as amended, be and hereby are further amended as follows:

Add a new section 12-72 to **ARTICLE IX.** of Chapter 12 as follows:

Section 12-72 ~~Polystyrene Prohibition~~Sustainable Food Containers and Packaging .

(a) **Short Title.** This Section may be cited as the "Sustainable Food Containers and Packaging Ordinance~~Polystyrene Prohibition Ordinance~~" of the City of Newton.

(b) **Declaration of findings and policy—Scope.**

The ~~Board of Aldermen~~City Council hereby finds that the prohibition on the use of polystyrene, polyvinyl chloride or polyethylene terephthalate food and packaging containers by food service establishments and the sale or use of those products by any business in the City of Newton (the "City") is a public purpose that protects the public health, welfare and environment, advances solid waste reduction and protects waterways.

(c) **Definitions.**

(1) ~~(1)~~—The following words shall, unless the context clearly requires otherwise, have the following meanings:

(a) “Biodegradable” means that which is entirely made of organic materials such as wood, paper, bagasse or cellulose; or bioplastics that meet the American Society for Testing and Materials (ASTM) D7081 standard for Biodegradable Plastics in the Marine Environment or any other standard that may be developed specifically for an aquatic environment and are clearly labeled with the applicable standard.

~~(a) “Department” means the City’s Department of Health and Human Services.~~

~~(b)~~ (b) “Commissioner” means the City’s Commissioner of Health and

Human Services.

(c) “Compostable” means bioplastic materials certified to meet the American Society for testing and Materials International Standards D6400 or D 6868, as those standards may be amended. ASTM D6400 is the specification for plastics designed for compostability in municipal or industrial aerobic composting facilities. D6868 is the specification for aerobic compostability of plastics used as coatings on a compostable substrate. Compostable materials shall also include products that conform to ASTM or other third-party standards (such as Vincotte) for home composting. Any compostable product must be clearly labeled with the applicable standard on the product.

(d) "Department" means the City's Department of Health and Human Services

(~~ee~~) "Disposable Food Container" means all food and beverage containers, bowls, plates, trays, cartons, cups, lids, straws, stirrers, forks, spoons, knives, film wrap, and other items designed for one-time or non-durable uses on or in which any food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and leftover food from partially consumed meals prepared at food establishments. ~~single use disposable products used in the restaurant, food service, and food sales industries for serving, transporting, or packaging prepared, ready to consume, or uncooked food or beverages. This includes but is not limited to plates, cups, bowls, trays, and hinged or lidded containers. This does not include single use disposable items such as straws, cup lids, or utensils.~~

(~~df~~) "Food establishment" means an ~~business establishment operation~~ that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including but not limited to any establishment requiring a permit to operate in accordance with the State Food Code.

(~~e~~) ~~"Expanded polystyrene" (EPS) means polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam.~~

(~~f~~) ~~"Polystyrene" means expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection~~

~~molding, form molding, and extrusion blow molding (extruded foam polystyrene. The term “polystyrene” also includes clear or solid polystyrene, which is known as “oriented polystyrene.”~~ (g) “Packing material” means any object made primarily from polystyrene foam used to hold, cushion, or protect items packed in a container for shipping, transport, or storage. This includes, without limitation, packing “peanuts”; and shipping boxes, coolers, ice chests, or similar containers made, in whole or in part, from polystyrene foam that is not wholly encapsulated or encased within a more durable material.

(h) “Polystyrene” refers to either of two basic forms, Foam and Rigid Polystyrene. Foam includes without limitation blown, expanded (EPS), and extruded foams such as “Styrofoam,” a Dow Chemical Co. trademarked form of insulation. Foam Polystyrene is generally used to make opaque cups, bowls, plates, trays, clamshell containers, meat trays, foam packing materials and egg cartons. Rigid or oriented polystyrene is generally used to make clear clamshell containers, cups, plates, straws, lids and utensils.

~~(gi)-~~ “Prepared food” means any food or beverage, whether packaged or prepared for consumption on or off the food provider’s premises, using any cooking or food preparation technique or provided for further food preparation.

(j) “Recyclable” refers to material that can be sorted, cleansed, and reconstituted using Newton’s curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting or otherwise thermally destroying solid waste. ~~This does not include any raw or uncooked meat, fish, or eggs unless provided for consumption without further food preparation.~~

~~(j)(k)~~ “Reusable” refers to products that will be used more than once in its same form by a food establishment. Reusable food service ware includes: tableware, flatware, food or beverage containers, packages or trays, such as, but not limited to, soft drink bottles and milk containers that are designed to be returned to the distributor and customer that is provided take-out containers. Reusable materials include aluminum and glass. Reusable also includes cleanable durable containers, packages, or trays used on-premises or returnable containers brought back to the food establishment.

(d) **Prohibited Use and Distribution of Food Ware and Packaging.**

1. Food establishments are prohibited from dispensing prepared food or

beverages to any person in disposable food containers made from polystyrene, polyvinyl chloride, or polyethylene terephthalate, or expanded polystyrene.

2. Food establishments using any disposable food service ware shall use biodegradable, compostable, reusable or recyclable food service ware. All food establishments are strongly encouraged to use reusable food service ware in place of using disposable food service ware for all food served on premises.

3. Retail establishments are prohibited from selling or distributing foam polystyrene food service ware to customers.

4. Retail establishments are prohibited from selling or distributing polystyrene foam packing material to customers.

(e) **Effective Date.**

This Section shall take effect one hundred and eighty (180) days from the date of enactment.

(f) **Exemption.**

(1) Foods prepared or packaged outside the City of Newton are exempt from the provisions of this chapter.

(2) (4) — The Commissioner may exempt a food or other business establishment from the requirements of this Section for a period of up to six (6) months, upon a finding by the Commissioner that the requirements of this Section would cause undue hardship to the food establishment. An "undue hardship" shall mean a situation unique to the food or other business establishment where the food establishment requires additional time in order to draw down an existing inventory of polystyrene, polyvinyl chloride or polyethylene terephthalate food and packaging containers or products or expanded polystyrene food containers and compliance with this section would cause significant hardship. Any food or business establishment receiving an exemption shall file with the Commissioner monthly reports on inventory reduction and remaining stocks.

(3) The Commissioner may exempt a food or business establishment from the provisions of this section for a period of one year for specific items or types of disposable food service ware if the Commissioner finds that a suitable biodegradable, compostable, reusable, or recyclable alternative is unavailable

for a specific application and that imposing the requirements of this section on that item or type of disposable food service ware would cause significant hardship to the establishment. This exemption may be renewed if the Commissioner finds that a suitable alternative continues to be unavailable and the requirements of this section would continue to cause significant hardship to the establishment.

(1) —

(24) Any food or business establishment shall apply for an exemption to the Commissioner using forms provided by the Department, and shall allow the Commissioner or his or her designee, access to all information supporting its application.

(35) The Commissioner may approve the exemption request, in whole or in part, with or without conditions.

(46) The Commissioner, by regulation, may establish a fee for exemption requests.

(g) **Enforcement.**

(1) **Fine.** Any food or business establishment which violates any provision of this Section or any regulation established by the Commissioner shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense.

(2) Whoever violates any provision of this Section or any regulation established by the Commissioner may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the Commissioner of the Health and Human Services, or his or her designee, shall be enforcing persons.

(h) **Severability.**

Each separate provision of this Section shall be deemed independent of all other provisions herein, and if any provision of this Section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Section shall remain valid and enforceable.

-And-

In **Sec. ~~20-21~~ 17-23. Enforcing persons and revised ordinances subject to civil fine.**

Amend paragraph (b), HEALTH AND HUMAN SERVICES DEPARTMENT, by adding after CITY ORDINANCES, Any offense, the following:

.....PENALTY

| Section 12-72. ~~Polystyrene Prohibition~~ Sustainable Food Containers and Packaging

Ordinance

- | | |
|--|----------|
| () First offense..... | Warning |
| () Second offense..... | \$100.00 |
| () Third offense..... | \$200.00 |
| () Fourth or subsequent offenses..... | \$300.00 |

Approved as to legal form and character:

(SGD) _____
City Solicitor

Under suspension of Rules
Readings Waived and Adopted
___ yeas and ___ nays

(SGD) _____
City Clerk

(SGD) _____
Mayor