



# Public Facilities Committee Agenda

## City of Newton In City Council

Wednesday, November 6, 2019

7 PM  
Room 204

### *Public Hearing*

**#372-19 National Grid petition for grant of location in Boulder Road.**  
NATIONAL GRID petition for a grant of location to install and maintain 193' +/- of 4" gas main in Boulder Road from the 4" gas main in the intersection of Boulder Road and Marcellus Drive southerly to the end of main at #19 Boulder to provide services to #19 and #28 Boulder Drive.

### *Public Hearing*

**#373-19 Installation of a sewer extension for the Farwell Street Subdivision**  
HER HONOR THE MAYOR requesting authorization of a sewer extension for the Farwell Street Subdivision consisting of six new single-family homes on a newly created road off Farwell Street.

**#374-19 Renaming the intersection of Walnut Street and Lincoln Street**  
COUNCILORS RICE, DOWNS, CROSSLEY, SCHWARTZ, NOEL, DANBERG, COTE, BROUSAL-GLASER, AND KELLEY requesting the intersection of Walnut Street and Lincoln Street be renamed to John O'Hara Square.

### Referred to Public Facilities and Finance Committees

**#388-19 Transfer of \$86,800 for boiler replacement at Police Headquarters**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of eight hundred six thousand and eight hundred dollars (\$86,800) from Interest Temp Loans to a Capital Project Account under Public Buildings Department for the purpose of funding the replacement of the leaking boiler at the Police Headquarters.

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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](mailto: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.

**Referred to Public Facilities and Finance Committees**

**#389-19**

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

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

**Referred to Public Facilities and Finance Committees**

**#390-19**

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

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

*It is the Chairs intent to entertain a motion of No Action Necessary on the following item:*

**Referred to Public Facilities and Finance Committees**

**#641-18**

**Request to transfer \$60,000 to replace two trash compactors at Rumford Avenue**

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

***Chairs Note:*** *The Director of Sustainable Materials Management, Waneta Trabert, will give an update on the Sustainable Materials Management Program.*

**Referred to Public Facilities and Finance Committees**

**#391-19**

**Authorization to revise White Goods and Bulky Items City Ordinances**

HER HONOR THE MAYOR requesting authorization to revise ordinances pertaining to solid waste and recycling definitions, management of bulky waste items, management of white goods, including amendments to the fees and management of residential moveouts and cleanouts.

**Respectfully submitted,**

**Deborah Crossley, Chair**

CITY OF NEWTON  
MASSACHUSETTS

2019 OCT -3 AM 10:42

PETITION for GRANT OF LOCATION

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Board of Aldermen before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the Board of Aldermen
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Engineering Division files Petition Form with comments with the Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions my be directed to:

Lou Taverna, City Engineer, 617-796-1020  
Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

**I. IDENTIFICATION (Please Type or Print Clearly)**

Company Name National Grid

Address 40 Sylvan Rd  
Waltham, Ma. 02451

Phone Number 617-293-0480 Fax Number \_\_\_\_\_

Contact Person Barbara Kelleher Title Permit Representative

Signature Barbara H. Kelleher Date 10-3-19  
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

**II. DESCRIPTION OF PROJECT: to be completed by petitioner**

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

**To install and maintain approximately 193 feet of 4 inch gas main in Boulder Rd., Newton from the existing 4 inch gas main in the intersection of Boulder Rd. and Marcellus Dr. southerly to the end of main at house #19. In order to provide a gas service to two houses, #19 and #28 Boulder Rd.**

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:  
 Title of Plan \_\_\_\_\_ Date of plan \_\_\_\_\_

**III. PUBLIC WORKS DEPARTMENT REVIEW**

Date received by Public Works Department Oct 4 2019

Check One:

Minor Project

Major Project

Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

**DATE AND COMMENTS:**

**RECOMMENDATIONS:**

Trench compaction shall be to 95% Proctor Testing	during construction.
Trench restoration per Street opening permit.	NGrid should consider relocation, the proposed alignment to the west
NGrid to contact Newton Police for detail	side of the street to avoid possible conflict
John Daphlian Associate w/ City Water Main. (Sapic)	
City Engineer	OCT-7-2019

**V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:**

Shawna Sullivan

Commissioner, Public Works

10/7/19  
Date



40 Sylvan Road  
Waltham, MA 02451

Cassidy/Lou,

I was informed that The City Council was requesting a list of leaks on Boulder Rd. that National Grid petition for a grant of location.

After my research, there is NO leak or any history of leak in the streets mentioned above.

Regards,  
Barbara Markos  
nationalgrid  
Customer Gas Connections  
40 Sylvan Rd  
Waltham MA 02451  
P: (781) 907-2923  
E: Barbara.markos@nationalgrid.com

**ABUTTERS LIST****BOULDER ROAD**

Owner Name	Address	City State	ZIP Code
20 BOULDER RD RT /TRUST	20 BOULDER RD	NEWTON MA	02459-2972
WESTVIEW PARTNERS LLC	28 BOULDER RD	NEWTON MA	02459-2972
ANDREOLI CHRISTOPHER M	36 BOULDER RD	NEWTON MA	02459-2972

**DEDHAM STREET**

Owner Name	Address	City State	ZIP Code
POOLE BENJAMIN H	336 DEDHAM ST	NEWTON MA	02459-2926
WESTVIEW PARTNERS LLC	348 DEDHAM ST	NEWTON MA	02459-2928

**MARCELLUS DRIVE**

Owner Name	Address	City State	ZIP Code
KOGAN ALEXANDER	56 MARCELLUS DR	NEWTON MA	02459-2935
HYOUNG J KIM	59 MARCELLUS DR	NEWTON MA	02459-2934
STEVEN TITUNIK T	67 MARCELLUS DR	NEWTON MA	02459-2934
JAZ HOLDINGS LLC	70 MARCELLUS DR	NEWTON MA	02459-2935

**WENDELL ROAD**

Owner Name	Address	City State	ZIP Code
PETERSBURG CORP	70 WENDELL RD	NEWTON MA	02459-2611
BOUGHAN RYAN J	73 WENDELL RD	NEWTON MA	02459-2946
MIZRAHI MORDECHAI	83 WENDELL RD	NEWTON MA	02459-2946
EYAL ARMOS	90 WENDELL RD	NEWTON MA	02459-2947

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS

**City of Newton / City Council:**

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

**To install and maintain approximately 193 feet of 4 inch gas main in Boulder Rd., Newton from the existing 4 inch gas main in the intersection of Boulder Rd. and Marcellus Dr. southerly to the end of main at house #19. In order to provide a gas service to two houses, #19 and #28 Boulder Rd.**

Date: October 4, 2019

By: Barbara H. Kelleher  
Barbara H. Kelleher  
Permit Representative

**City of Newton / City Council:**

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **City of Newton** substantially as described in the petition date **October 4, 2019** attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the foregoing order was duly adopted by the \_\_\_\_\_ of the City of \_\_\_\_\_, MA on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

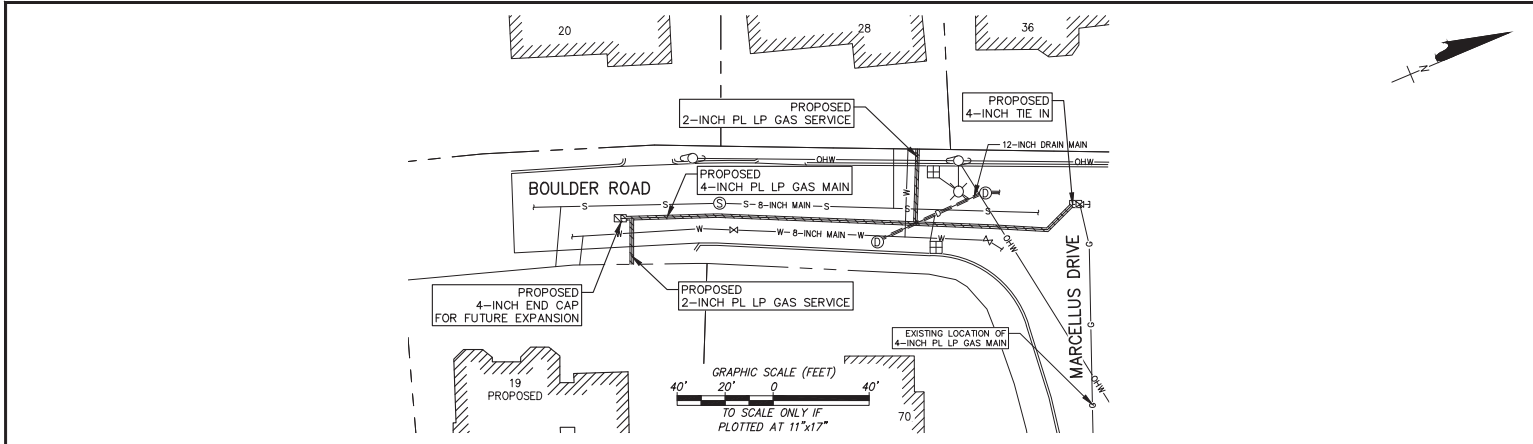
\_\_\_\_\_  
Title

WO #1299439

372-19







—	NEW GAS
—	ELECTRIC
—	GAS
—	WATER
—	STORM DRAIN
—	SANITARY SEWER
—	TELEPHONE
—	CABLE TV
—	MBTA
—	EDGE OF PAVEMENT
—	CURB
—	RIGHT OF WAY LINE

**NOTE:**  
 THE LOCATION OF SURFACE AND UNDERGROUND OBJECTS SHOWN ARE NOT WARRANTED TO BE CORRECT.  
 CALL 811 BEFORE YOU DIG  
 UTILITIES AND STREET LINES COMPILED FROM AVAILABLE DATA SOURCES  
 NO FIELD VERIFICATION PERFORMED

**PROJECT SPECIFICS**  
 SIZE: 4"  
 LENGTH: 193'  
 MATERIAL: PLASTIC  
 PRESSURE: LP  
 WORK ORDER NO.: 1299439

**CIA**  
 141 Longwater Drive - Suite 104  
 Norwell, MA 02061  
 781.982.3400 • www.ciacompanies.com

**nationalgrid**

Drawn: RCW	Date: 09/06/2019	Scale: 1" = 40'
Chkd: JEO	Design Engr: ARS	Design Supv: JEO

GRANT OF LOCATION PERMIT PLAN PROPOSED OPENING TO INSTALL 4-INCH GAS MAIN AND 2-INCH SERVICE 19 AND 28 BOULDER ROAD NEWTON, MA.		
CAD FILE NAME 35537-1094.dwg	SEQUENCE No.	DRAWING NUMBER C-101

File: \\p010101\p010101\p010101.dwg, Date: 09/06/2019, Time: 10:46:18 AM, User: jrc, Plot: 372-19.dwg, Plot Date: 9/17/2019 11:46:18 AM, Plot Scale: 1"=40', Plot Orientation: Landscape



City of Newton, Massachusetts  
Office of the Mayor

RUTHANNE FULLER  
MAYOR

**373-19**  
Telephone  
(617) 796-1100  
Telefax  
(617) 796-1113  
TDD  
(617) 796-1089  
E-mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

August 5, 2019

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization of a sewer extension for the Farwell Street Subdivision consisting of six new single-family homes on a newly created road off Farwell Street.

We recommend that City Ordinance Sec. 29-71, "Installation of new public sewers – City to pay fifty percent", be waived. All costs of installing the sewer and the sewer connection will be borne by the developer.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

RECEIVED  
NEWTON CITY CLERK  
2019 AUG -5 PM 4:11  
David A. Stevens, Clerk  
Newton, MA 02459

City of Newton



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

Ruthanne Fuller  
 Mayor

September 30, 2019

To: Mayor Ruthanne Fuller  
 Jonathan Yeo, Chief Operating Officer

From: James McGonagle, Commissioner Public Works

Subject: Docket Request, Sewer Extension, Farwell Street Subdivision, City Ordinance Sec. 29-69

Discussion: Farwell Street Subdivision was approved by the Planning Board Acting as a Board of Survey on July 19, 2018. The subdivision consists of six (6) new single-family homes on a newly created road off Farwell Street. The proposed sewer system within Farwell Street, which serves the six houses, will be installed by the developer of the subdivision, and will be operated and maintained by the homeowner's association.

Due to topography, the sewer system is designed to directly discharge into the nearby MWRA trunk sewer (not the City of Newton sewer system), which flows from west to east along the bank of the Charles River, from Farwell Street toward California Street. The MWRA will allow the connection from the Farwell Street sewer directly to the MWRA trunk sewer only if the sewer connection is owned, operated and maintained by the City of Newton, not the homeowner's association. The Farwell Street sewer is designed so that approximately 40 linear feet of sewer pipe and connection could be owned, operated and maintained by the City of Newton, should the Honorable City Council approve this as a sewer extension.

Please docket this sewer extension request with the Honorable City Council for consideration. The sewer plan is forthcoming. The MWRA sewer connection permit application is forthcoming. We recommend that City Ordinance Sec. 29-71, "Installation of new public sewers – City to pay fifty percent", be waived. All costs of installing the sewer, and the sewer connection, will be borne by the developer.

Sincerely,

  
 James McGonagle  
 Commissioner Public Works

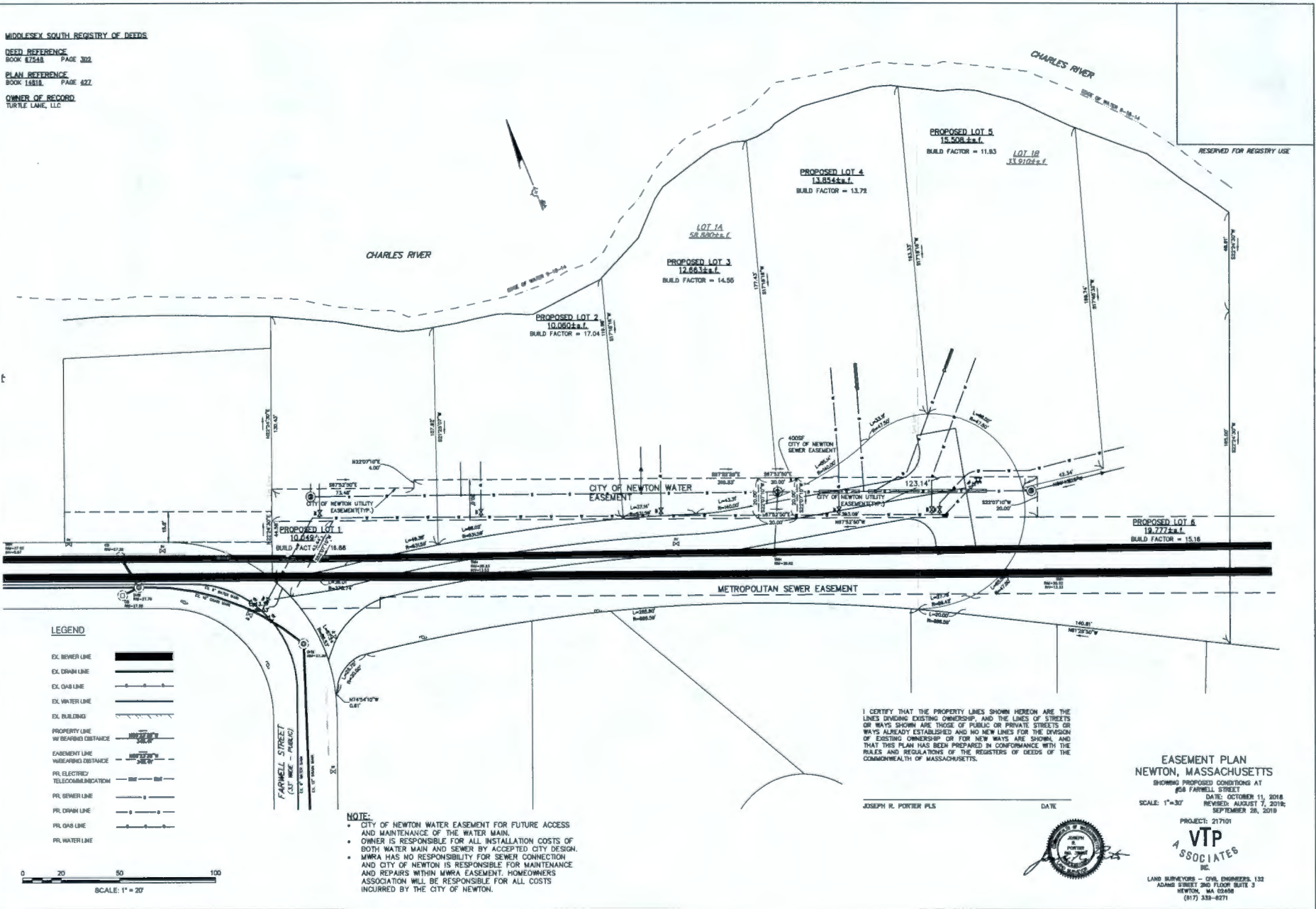
cc: Louis M. Taverna, P.E. City Engineer  
 John Daghlian, Associate City Engineer  
 Shawna Sullivan, Chief of Staff  
 Jack Cowell, DPW Finance Director  
 Ted Jerdee, Director of Utilities

MIDDLESEX SOUTH, REGISTRY OF DEEDS

DEED REFERENCE  
BOOK E1243 PAGE 302

PLAN REFERENCE  
BOOK 1818L PAGE 427

OWNER OF RECORD  
TURTLE LAKE, LLC



City of Newton



## DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449Ruthanne Fuller  
Mayor

July 26, 2019

To: Mayor Ruthanne Fuller  
Jonathan Yeo, Chief Operating Officer

From: James McGonagle, Commissioner Public Works

Subject: Docket Request, Sewer Extension, Farwell Street Subdivision, City Ordinance Sec. 29-69

Discussion: Farwell Street Subdivision was approved by the Planning Board Acting as a Board of Survey on July 19, 2018. The subdivision consists of six (6) new single-family homes on a newly created road off Farwell Street. The proposed sewer system within Farwell Street, which serves the six houses, will be installed by the developer of the subdivision, and will be operated and maintained by the homeowner's association.

Due to topography, the sewer system is designed to directly discharge into the nearby MWRA trunk sewer (not the City of Newton sewer system), which flows from west to east along the bank of the Charles River, from Farwell Street toward California Street. The MWRA will allow the connection from the Farwell Street sewer directly to the MWRA trunk sewer only if the sewer connection is owned, operated and maintained by the City of Newton, not the homeowner's association. The Farwell Street sewer is designed so that approximately 40 linear feet of sewer pipe and connection could be owned, operated and maintained by the City of Newton, should the Honorable City Council approve this as a sewer extension.

Please docket this sewer extension request with the Honorable City Council for consideration. The sewer plan is forthcoming. The MWRA sewer connection permit application is forthcoming. We recommend that City Ordinance Sec. 29-71, "Installation of new public sewers – City to pay fifty percent", be waived. All costs of installing the sewer, and the sewer connection, will be borne by the developer.

Sincerely,

James McGonagle  
Commissioner Public Workscc: Louis M. Taverna, P.E. City Engineer  
John Daghlian, Associate City Engineer  
Shawna Sullivan, Chief of Staff  
Jack Cowell, DPW Finance Director  
Ted Jerdee, Director of Utilities

Turtle Lane LLC  
77 Oldham Rd  
Newton Mass 02465

Lou Taverna  
City Engineer  
City of Newton  
Engineering Dept.  
Board of survey  
1000 Commonwealth Ave  
Newton Mass.

Mr. Taverna, As requested. Turtle Lane LLC will be responsible for all construction and maintenance of the sewer main extension to 56 Farwell St for the new six lot subdivision approved by the board of Survey, City of Newton Engineering Dept, Newton Conservation, MWRA and the DEP. All Approvals have been recorded with the registry of Deeds.

Thank you  
Scott Tellier Manager

A handwritten signature in black ink, appearing to read 'Scott Tellier', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

CITY COUNCIL

# \_\_\_\_\_

CITY OF NEWTON

DOCKET REQUEST FORM

2019 OCT -7 PM 9:46

DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING.

To: Clerk of the City Council

Date: 10/6/19

From (Docketer): RICE, DOWNS, CROSSLEY, SEWANTZ, NOEL, DANBERG, COFF

Address: BROUSAL - GLASBY, KELLEY, 95 BROADWAY WABAN, MA 02468

Phone: 617 201 7088 E-mail: JRICE@TBWN.COM

Additional sponsors: \_\_\_\_\_

1. Please docket the following item (it will be edited for length if necessary):

MARKING THE INTERSECTION OF WALNUT STREET AND LINCOLN STREET NEAR O'HARA SQUARE

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion
- Appropriation, transfer,
- Expenditure, or bond authorization
- Special permit, site plan approval,
- Zone change (public hearing required)
- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other: MARKING INTERSECTION

3. I recommend that this item be assigned to the following committees:

- Programs & Services
- Zoning & Planning
- Public Facilities
- Finance
- Public Safety
- Land Use
- Real Property
- Special Committee
- No Opinion

4. This item should be taken up in committee:

Immediately (Emergency only, please). Please state nature of emergency:

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 on reverse
- Following public hearing



RUTHANNE FULLER  
MAYOR

**City of Newton, Massachusetts**  
**Office of the Mayor**

**388-19**

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

October 28, 2019

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to transfer the sum of \$86,800 from Acct # 0110773-579500 Interest Temp Loans to a Capital Project Account under the Public Buildings Department for the purpose of funding the replacement of the leaking boiler at the Police Headquarters.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

Stamp: Ruthanne A. Fuller, Mayor, Newton, MA 02459

Stamp: 2019 OCT 28 PM 3:00

Stamp: [Faint illegible text]





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**CITY OF NEWTON, MASSACHUSETTS**  
PUBLIC BUILDINGS DEPARTMENT  
52 ELLIOT STREET, NEWTON HIGHLANDS, MA 02461

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Ruthanne Fuller, Mayor  
Josh Morse  
Building Commissioner

Telephone (617) 796-1600  
Facsimile (617) 796-1601  
TDD/tty # (617) 796-1608

September 11, 2019

Ruthanne Fuller, Mayor  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RE: Funding for Police Headquarters Boiler Replacement

Dear Mayor Fuller:

The Public Buildings Department respectfully requests \$86,800 to fund the replacement of the leaking boiler at the Police Headquarters..

Sincerely,

Josh Morse  
Public Buildings Commissioner

cc: Maureen Lemieux, Chief Financial Officer  
Alex Valcarce, Deputy Buildings Commissioner

9/11/19

**Police Headquarters – Boiler Replacement**

- Replace boiler that is leaking and beyond its useful life	\$82,664 (BMS Quote)
- Contingency	<u>\$ 4,136</u>
<b>Sub Total</b>	<b>\$86,800</b>



RUTHANNE FULLER  
MAYOR

**City of Newton, Massachusetts**  
**Office of the Mayor**

**389-19**

Telephone  
(617) 796-1100  
Telefax  
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TDD  
(617) 796-1089

E-mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

October 28, 2019

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to accept, appropriate and expend the MassDEP Recycling Dividends grant funds in the amount of \$52,000 which will be used for the City's waste diversion efforts.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

2019 OCT 28 PM 2:59  
Ruthanne Fuller  
Mayor

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Ruthanne Fuller  
Mayor

October 21, 2019

To: Mayor Ruthanne Fuller  
Maureen Lemieux, CFO

From: Jim McGonagle

Dear Mayor Fuller,

I write to request that the Honorable Council docket for consideration a request to accept the MassDEP Recycling Dividends grant funds in the amount of \$52,000 which will be used for the City's waste diversion efforts. The grant funds will be used for grant eligible equipment to improve the City's recycling infrastructure, educational materials, and outreach activities.

Thank you for your consideration of this matter.

Sincerely,

Jim McGonagle  
Commissioner of Public Works

Jim McGonagle  
Commissioner

Telephone: (617) 796-1009 • Fax: (617) 796-1050 • [jmcgonagle@newtonma.gov](mailto:jmcgonagle@newtonma.gov)



City of Newton, Massachusetts  
Office of the Mayor

RUTHANNE FULLER  
MAYOR

Telephone  
(617) 796-1100  
Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

October 28, 2019

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend the sum of \$88,000 from July 30, 2019 Certified Free Cash to purchase two trash compactors located at Rumford Ave.

The current two compacting units are not in compliance with safety standards. Further details are attached.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

2019 OCT 28 PM 3:00  
Ruthanne Fuller  
Newton, MA 02459

City of Newton



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

Ruthanne Fuller  
Mayor

To: Mayor Ruthanne Fuller  
Maureen Lemieux, CFO  
Jonathan Yeo, COO

From: Jim McGonagle

Subject: Trash Compactors for Rumford Ave

Date: 7/29/19

I write to request that the Honorable Council docket for consideration a request to authorize the appropriation of \$88,000 to purchase two trash compactors located at 115 Rumford Ave. These compactors are primarily used for waste picked up from public spaces by the Parks & Recreation Department and cleanouts by the Public Buildings Department. These two compacting units are not in compliance with safety standards as highlighted in the 2016 EH&S audit performed by Tighe & Bond. There is not a working safety barrier on either unit to prevent injury during operation. In addition, the units are at least 25 years old (according to Maguire Equipment, the company that maintains the units) and are requiring more frequent and expensive maintenance. Operational inefficiencies are severe when either unit is down for more than a day for servicing.

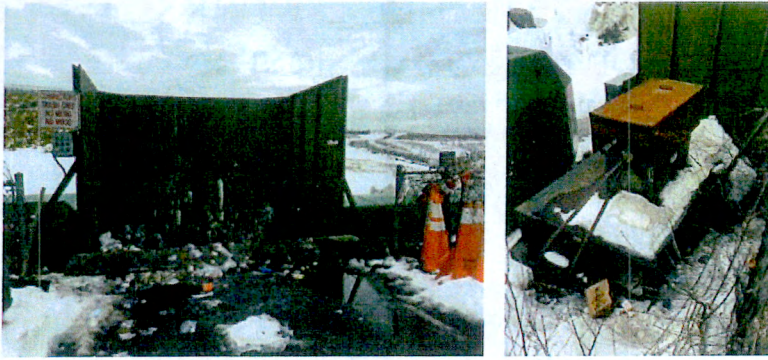
A verbal estimate from Waste Management for replacement cost of both units totaled \$60,000.

Below are photos of the compactors:



Compactor 1: observe broken/incomplete gate on front of compactor (left); motor area showing rust damage (right)

Jim McGonagle  
Commissioner



Compactor 2: missing gate at front of compactor (left); motor area shows rust damage and wear and tear from age (right)

Thank you for your consideration

Jim McGonagle  
Commissioner of Public Works

CITY OF NEWTON, MASSACHUSETTS  
PURCHASING DEPARTMENT  
COMPARISON OF BIDS

INVITATION #19-102  
Supply & Deliver and Install Two Rumford Ave Compactor Replacement

Bid Opening: June 20, 2019 - 10:30 AM  
Public Works - James McGonagle

Bidders	Maguire Equipment
Supply & Deliver and Install Two Rumford Ave Compactor Replacement - Price Per Each	\$44,873.50
Supply & Deliver and Install Two Rumford Ave Compactor Replacement - Price for Two	\$87,197.00

Award Recommended To:

Chief Procurement Officer

Date

Department Head

Date

Mayor or her designee

Date



CITY OF NEWTON  
DEPARTMENT OF PURCHASING  
BID FORM #19-102

COPY

A. The undersigned proposes to supply and deliver the items listed below conforming to the Specification Sheets below in full accordance with the Contract Documents and Project Manual supplied by the City of Newton entitled:

**SUPPLY, DELIVER, AND INSTALL TWO RUMFORD AVENUE COMPACTOR REPLACEMENTS**

for the contract price(s) specified below, subject to additions and deduction according to the terms of the specifications.

B. This bid includes addenda number(s) \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

C. The Bidder proposes to supply, deliver and install the following according to the Bid Requirements and Specification Sheet starting at p. 19 below at the following prices, FOB delivered to Newton, MA:

**SUPPLY, DELIVER, AND INSTALL TWO RUMFORD AVE COMPACTOR REPLACEMENTS**

PRICE FOR EACH COMPACTOR:

*Three 20/60 + 50/400*  
Fourty four thousand eight hundred seventy dollars (\$ 44,873.50)

TOTAL CONTRACT PRICE FOR TWO (2) COMPACTORS:

*Eighty seven thousand one hundred ninety seven dollars (\$ 87,197.00)*  
Eighty seven thousand one hundred ninety seven dollars (\$ 87,197.00)

COMPANY: Magnific Equipment Inc

State Delivery Time (number of calendar days after receipt of order): 45-60 days

D. The undersigned has completed and submits herewith the following documents:

- Signed Bid Form, 2 pages
- Bidder's Qualifications and References Form, 2 pages
- Certificate of Non-Collusion, 1 page
- Certificate of Foreign Corporation, 1 page
- Debarment Letter, 1 page
- IRS Form W-9, 1 page
- Certification of Tax Compliance, 1 page
- Specification Sheet, 1 page

E. Prompt Payment Discounts. Bidders are encouraged to offer discounts in exchange for an expedited payment. Payments may be issued earlier than the general goal of within 30 days of receipt of the invoice only when in exchange for discounted prices. Discounts will not be considered in determining the lowest responsible bidder.

Prompt Payment Discount \_\_\_\_\_ % \_\_\_\_\_ Days  
Prompt Payment Discount \_\_\_\_\_ % \_\_\_\_\_ Days  
Prompt Payment Discount \_\_\_\_\_ % \_\_\_\_\_ Days

F. The undersigned agrees that, if selected as contractor, s/he will within five days, Saturdays, Sundays and legal holidays excluded, after presentation thereof by the City of Newton, execute a contract in accordance with the terms of this bid. The undersigned hereby certifies that s/he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work and that s/he will comply fully with all laws and regulations applicable to awards made subject to M.G.L. Chapter 30B. The successful bidder will be required to furnish a Performance Bond each in the amount of 100% of the contract total.

The undersigned further certifies under the penalties of perjury that this bid has been made and submitted in good faith and without collusion or fraud with any other person. As used in this section the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from public contracting or subcontracting in the Commonwealth under the provisions of M.G.L. Chapter 29, Section 29F or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

G. Environmentally preferable products information (which is requested but which will not be considered in awarding a contract):

Description of environmental attributes of Bidder's goods or services:

Steps taken to (a) identify any positive or negative environmental attributes of products or services and (b) insure that those attributes are being addressed as part of operations:

Date 6/19/19

Maguire Equipment Inc  
(Name of Bidder)

BY: Thomas Maguire  
Thomas Maguire III - President  
(Printed Name and Title of Signatory)

18 Wolcott Street  
(Business Address)

Dyle Park, MA 02136  
(City, State Zip)

617-364-4930 / 617-364-7014  
(Telephone & FAX)

maguirequip1@aol.com  
(E-mail address)

NOTE: If the bidder is a corporation, indicate state of incorporation under signature, and affix corporate seal; if a partnership, give full names and residential addresses of all partners; if an individual, give residential address if different from business address; and, if operating as a d/b/a give full legal identity. Attach additional pages as necessary.

END OF SECTION

CITY OF NEWTON

BIDDER'S QUALIFICATIONS AND REFERENCES FORM

All questions must be answered, and the data given must be clear and comprehensive. Please type or print legibly. If necessary, add additional sheet for starred items. This information will be utilized by the City for purposes of determining bidder responsiveness and responsibility with regard to the requirements and specifications of the Contract.

- 1. FIRM NAME: Magnus Equipment Inc
- 2. WHEN ORGANIZED: 1970
- 3. INCORPORATED?  YES  NO DATE AND STATE OF INCORPORATION: \_\_\_\_\_
- 4. IS YOUR BUSINESS A MBE?  YES  NO WBE?  YES  NO or MWBE?  YES  NO
- \* 5. LIST ALL CONTRACTS CURRENTLY ON HAND, SHOWING CONTRACT AMOUNT AND ANTICIPATED DATE OF COMPLETION:
  - Camparalli - Rabbrook - Plymouth - \$33,000.00 7/19
  - Gradient - Weymouth, MA - \$40,200.00 - 6/19
  - Hiram (H) New Transfer - Gummerus 2, NY \$133,600.00 7/19
  - Town of Russell, MA - Russell, MA 36,000.00 7/19
  - Gardner - Hyde Park, MA - \$48,000.00 - 8/19
- \* 6. HAVE YOU EVER FAILED TO COMPLETE A CONTRACT AWARDED TO YOU?
  - YES  NO
  - IF YES, WHERE AND WHY?
  - \_\_\_\_\_
  - \_\_\_\_\_
- \* 7. HAVE YOU EVER DEFAULTED ON A CONTRACT?  YES  NO
  - IF YES, PROVIDE DETAILS.
  - \_\_\_\_\_
  - \_\_\_\_\_
- \* 8. LIST YOUR VEHICLES/EQUIPMENT AVAILABLE FOR THIS CONTRACT:
  - (5) Ford F-350 service truck
  - (2) Dump trucks
  - (1) Roll-off truck
  - (3) Fork lifts
- \* 9. IN THE SPACES FOLLOWING, PROVIDE INFORMATION REGARDING CONTRACTS COMPLETED BY YOUR FIRM SIMILAR IN NATURE TO THE PROJECT BEING BID. A MINIMUM OF FOUR (4) CONTRACTS SHALL BE LISTED. PUBLICLY BID CONTRACTS ARE PREFERRED, BUT NOT MANDATORY.
  - PROJECT NAME: Transfer Station Compactor
  - OWNER: Town of Plymouth
  - CITY/STATE: Plymouth, MA

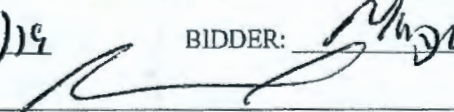
DOLLAR AMOUNT: \$ 228,500.00 DATE COMPLETED: 4/13  
 PUBLICLY BID?  YES  NO  
 TYPE OF WORK?: Computer Install  
 CONTACT PERSON: Brian Woodhull TELEPHONE #: (401) 683-6362  
 CONTACT PERSON'S RELATION TO PROJECT?: Project manager  
 (i.e., contract manager, purchasing agent, etc.)

PROJECT NAME: Computer Install  
 OWNER: Burlington Town 02  
 CITY/STATE: Burlington MA  
 DOLLAR AMOUNT: \$ 18,105.00 DATE COMPLETED: 12/18  
 PUBLICLY BID?  YES  NO  
 TYPE OF WORK?: Computer install  
 CONTACT PERSON: Jim Amara TELEPHONE #: (413) 625-6330  
 CONTACT PERSON'S RELATION TO PROJECT?: Contract manager  
 (i.e., contract manager, purchasing agent, etc.)

PROJECT NAME: Halifax Transfer  
 OWNER: Town of Halifax  
 CITY/STATE: Halifax, MA  
 DOLLAR AMOUNT: \$ 17,235.00 DATE COMPLETED: 12/18  
 PUBLICLY BID?  YES  NO  
 TYPE OF WORK?: Computer install  
 CONTACT PERSON: Jane Johnson TELEPHONE #: (781) 293-1732  
 CONTACT PERSON'S RELATION TO PROJECT?: Recycling coordinator  
 (i.e., contract manager, purchasing agent, etc.)

PROJECT NAME: Huntington Transfer  
 OWNER: Town of Huntington  
 CITY/STATE: Huntington, MA  
 DOLLAR AMOUNT: \$ 17,300.00 DATE COMPLETED: 2/19  
 PUBLICLY BID?  YES  NO  
 TYPE OF WORK?: Computer install  
 CONTACT PERSON: George Pedroni TELEPHONE #: (413) 627-3518  
 CONTACT PERSON'S RELATION TO PROJECT?: Town Board  
 (i.e., contract manager, purchasing agent, etc.)

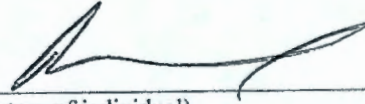
10. The undersigned certifies that the information contained herein is complete and accurate and hereby authorizes and requests any person, firm, or corporation to furnish any information requested by the City in verification of the recitals comprising this statement of Bidder's qualifications and experience.

DATE: 6/19/19 BIDDER: Magnum Equipment Inc  
 SIGNATURE:   
 PRINTED NAME: Thomas Maguire TITLE: Vice-President

END OF SECTION

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee club, or other organization, entity, or group or individuals.



(Signature of individual)



Name of Business

CERTIFICATE OF FOREIGN CORPORATION

The undersigned hereby certifies that it has been duly established, organized, or chartered as a corporation under the laws of:

Massachusetts  
(Jurisdiction)

The undersigned further certifies that it has complied with the requirements of M.G.L. c. 30, §39L (if applicable) and with the requirements of M.G.L. c. 156D, §15.03 relative to the registration and operation of foreign corporations within the Commonwealth of Massachusetts.

Thomas Maguire  
Name of person signing proposal

[Signature]  
Signature of person signing proposal

Maguire Equipment Inc  
Name of Business (Please Print or Type)

*Affix Corporate Seal here*



City of Newton



Purchasing Department  
Nicholas Read @ Chief Procurement Officer  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449  
purchasing@newtonma.gov

Telephone  
(617) 796-1220  
Fax:  
(617) 796-1227  
TDD/TTY  
(617) 796-1089

Mayor  
Ruthanne Fuller

Date

Vendor

Re: Debarment Letter for Invitation For Bid #19-102

As a potential vendor on the above contract, the City requires that you provide a debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

**Debarment:**

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

I hereby certify under pains and penalties of perjury that neither I nor any principal(s) of the Company identified below is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Thomas Maguire  
Maguire Equipment Co. (Name)  
\_\_\_\_\_  
\_\_\_\_\_  
13 Woburn St (Address)  
Bedford Park, MA 01366 (Address)  
PHONE 617-364-4934 FAX 617-364-2014  
EMAIL magequip2@aol.com  
[Signature] Signature  
6/19/19 Date

If you have questions, please contact Nicholas Read, Chief Procurement Officer at (617) 796-1220.

CERTIFICATION OF TAX COMPLIANCE

Pursuant to M.G.L. c.62C, §49A and requirements of the City, the undersigned acting on behalf of the Contractor certifies under the penalties of perjury that the Contractor is in compliance with all laws of the Commonwealth relating to taxes including payment of all local taxes, fees, assessments, betterments and any other local or municipal charges (unless the Contractor has a pending abatement application or has entered into a payment agreement with the entity to which such charges were owed), reporting of employees and contractors, and withholding and remitting child support.\*

\*\*Signature of Individual (Mandatory)

04-2826602  
\*\*\* Contractor's Social Security Number (Voluntary) or Federal Identification Number

Print Name: \_\_\_\_\_

Date: 6/19/19

OR

Magnus Equipment Inc  
Company Name  
(Corporation, Partnership, LLC, etc.)

By: [Signature]  
\*\*Corporate Officer (Mandatory)

Print Name: Thomas Magnus

Date: 6/19/19

- \* The provision in this Certification relating to child support applies only when the Contractor is an individual.
- \*\* Approval of a contract or other agreement will not be granted until the City receives a signed copy of this Certification.
- \*\*\* Your social security number may be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed, or extended.



CITY OF NEWTON

DEPARTMENT OF PUBLIC WORKS

SUPPLY, DELIVER, AND INSTALL TWO RUMFORD AVENUE COMPACTOR REPLACEMENTS

BID REQUIREMENTS AND SPECIFICATION SHEET

BIDDER QUALITY REQUIREMENTS

Bidders must have supplied and/or installed stationary waste compactor equipment such as described herein for a minimum of five years.

Replacement parts and service must be available within a 110 mile distance from the City of Newton, Massachusetts.

BID SUBMISSION REQUIREMENTS

Two sets of literature from the manufacturer describing the specifications of the equipment to be provided under this bid.

A full statement as to the length of warranties, future upgrades and support of all equipment purchased under this bid.

SPECIFICATIONS

Unless otherwise stated, the use of manufacturer's name and product numbers are for descriptive purposes and establishing general quality levels only. They are not intended to be restrictive. Bidders are required to state exactly what they intend to furnish, otherwise, it is fully understood that they shall furnish all items stated. Bids will be accepted on any make or model that is equal or superior to the technical specifications listed below. Decisions of equivalency will be at the sole interpretation of the City of Newton. A blanket statement that equipment proposed will meet all requirements will not be sufficient to establish equivalence.

Bids shall be accompanied by descriptive literature (marked), indicating the exact item to be furnished. The term "as specified" will not be acceptable.

Stationary Waste Compactor Specifications. A bid will be deemed responsive only if, with respect to the compactors submitted, the bidder answers all the following questions in the affirmative:

	Compliant
1. 2019 (or newer, if available) stationary waste compactor units that are designed for outdoor placement, including applicable weatherproof panels, gaskets, etc.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
2. Compatible with standard 30yd roll off container. <i>- compactor conditions</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
3. Compactor unit is designed/intended for transfer station use for the collection of municipal solid waste.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
4. Existing hoppers at the Rumford Avenue site are functional and stable. Safety gates with interlock mechanism to be installed on existing hoppers.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
5. Charge box capacity of 5.5 cubic yards.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

6. Compactor units, including control panels, as installed must adhere to all applicable federal, state, and local safety standards, including, but not limited to OSHA regulations, UL standards, and ANSI standards.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
7. Indicator for fullness of container.	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Bid Items

The City shall pay the awarded vendor(s) for supplies provided and services rendered under this IFB in accordance with the amount set forth in the Contractor's Bid Form #19-102. Payment shall be made at the respective contract unit prices. No separate payment shall be made for any labor, equipment, and materials incidental to work of this contract.

END OF SECTION



City of Newton, Massachusetts  
Office of the Mayor

RUTHANNE FULLER  
MAYOR

Telephone  
(617) 796-1100  
Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

October 30, 2019

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to revise ordinances pertaining to solid waste and recycling definitions, management of bulky waste items, management of whitegoods, and management of residential moveouts and cleanouts. This includes Chapter 11 of Newton City Ordinances, Sections: 11-1, 11-14, 11-15, and 11-16.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

2019 OCT 30 PM 3:36  
Ruthanne Fuller  
Newton, MA 02459

City of Newton



## DEPARTMENT OF PUBLIC WORKS

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

Ruthanne Fuller

Mayor

November 6, 2019

### *Proposed Changes to Bulky Waste Collection Policy*

**Newton DPW recommends that the City convert to a user-financed program for bulky waste items and charges \$25 per item.**

- This change will save \$140,000 per year from the WM contract and \$75,000 per year from trash tonnage disposal.

#### Goals of Changing the Current Bulky Waste Policy:

- 1) Reduce hauling costs to the City, especially due to the other cost increases in waste hauling service
- 2) Reduce tonnage costs to the City by reducing the number of bulky items collected with WM hauling service
- 3) Encourage residents to find reuse outlets before using the bulky item collection service

#### Current Program:

- Up to 5 bulky items per household per week are allowable at no out-of-pocket cost
- Residents must make an appointment by 3:30pm one business day before their collection day

#### Proposed Program:

- Per item cost of \$25, no limit on number of items
- Residents must make an appointment by 3:30pm one business day before their collection day

#### Bulky Item Collection Data Analysis Highlights:

- Data from CY2014-2018 was analyzed
- Bulky items make up 5-7% of Newton's waste stream
  - Average annual tonnage cost for bulky items from CY2014-2018 was over \$75,000
- 57% of households served by the City's waste collection program made at least 1 bulky item pickup request during this time
- 18% of total requests during this period were from the 2% of households that averaged over 3 bulky item pickup requests per year
- 33% of total requests during this period were from 5% of households that averaged over 2 bulky item pickup requests per year
- 4 nearby/comparable municipalities charge a fee for bulky item pickups: Framingham, Lowell, Winchester, Milton
  - Fees range from \$3-\$30 per item in these communities

City of Newton



## DEPARTMENT OF PUBLIC WORKS

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

Ruthanne Fuller

Mayor

November 6, 2019

### *Recommended Changes to White Goods Collection Policy*

**Newton DPW recommends that the City modify the White Goods Pickup policy. The proposed per item fee for curbside collection is \$25 per item. All white goods items are accepted via drop-off at no cost to the resident except televisions and computer monitors. The proposed drop-off fee for televisions and monitors is \$25 per item.**

#### Goals of Changing the Current White Goods Pickup Policy:

- 1) Alleviate operational burden of curbside collection from city staff and equipment
- 2) Reduce hauling costs to the City
- 3) Encourage residents to find reuse outlets or drop off items before using the white goods curbside collection service

#### Current White Goods Collection Program:

- Fees to resident
  - \$25 for a pickup of unlimited scrap metal/appliances with a limit of 1 TV
  - TV/monitor cost is \$25 for 1 and \$18 for each additional TV/monitor in same transaction
- Residents must make an appointment. Appointments received by 4:30pm on Friday are picked up the following Wednesday.
- Collection is performed by DPW staff
  - Collected materials are taken to the Resource Recovery Center

#### Proposed White Goods Collection Program:

- Fees to resident:
  - Curbside pickup: \$25 per item
  - Drop-off: \$25 per TV/monitor; all other items no cost (appliances, scrap metal, air conditioners, etc.)
- Residents must make an appointment. Appointments received by 4:30pm on Friday are picked up the following week on a day to be determined.
- Collection is performed by Waste Management
  - Collected materials are taken to the Resource Recovery Center

#### Whitegoods Pickup Data Analysis Highlights:

- DPW took over collection after previous contractor went out of business
- DPW operation began 1/29/16
- 5062 requests for collection
- 4044 unique households (14% of hh served)
- 968 requests where nothing was found at the curb (19% of all requests)

## Chapter 11

## RECYCLING AND TRASH\*

Art. I. In General, §§ 11-1—11-33

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

ARTICLE I.  
IN GENERAL

## Sec. 11-1. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 11-4. Reserved.**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

works; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 11-14. Bulky waste items.**

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

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

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

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

**Sec. 11-15. White goods.**

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

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

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

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

#### **Sec. 11-16 Moveouts and cleanouts.**

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

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

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

#### **Secs. 11-18—11-33. Reserved.**

## **ARTICLE II. PUBLIC LANDFILLS AND RECYCLING DEPOTS**

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

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

#### **Sec. 11-35. Regulations of use.**

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

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

**Sec. 11-36. Recycling depots.**

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

**Cross reference**—Licenses and permits generally, Ch. 17