



Public Facilities Committee Report

City of Newton

In City Council

Wednesday, November 6, 2019

Present: Councilors Crossley (Chair), Leary, Laredo, Lappin, Danberg, Kelley and Gentile

Absent: Councilor Norton

Also Present: Councilors Rice and Noel

City Staff Present: Commissioner of Public Works Jim McGonagle, City Engineer Lou Taverna, Commissioner of Public Buildings Josh Morse, and Director of Sustainable Materials Management Waneta Trabert

#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.

Action: **Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)**

Note: Barbara Kelleher the representative form National Grid presented the request for a Grant of Location in Boulder Road. Ms. Kelleher confirmed that the project would provide services to two new homes. A committee member asked Ms. Kelleher about the condition and material of the existing gas main. Ms. Kelleher explained that the proposed gas main extension is connecting to a new PVC 4" gas main. The Public Hearing was opened and with no member of the public wishing to speak on the matter the public hearing was closed. A committee member asked about the relocation and alignment of the gas main. City Engineer Lou Taverna explained that typically the gas main would not be installed over the City's water and sewer pipes and that is a decision that is made in the field. Councilor Danberg motioned to approve which passed 5-0, with Councilor Leary and Gentile not voting.

#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.

Action: **Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)**

Note: City Engineer Lou Taverna presented the request for a sewer extension in Farwell Street. The Farwell Subdivision was approved by the Planning Board last year. A condition is that the new sewer

remain private and connect to the MWRA interceptor, which runs down Farwell Street. The MWRA interceptor needs some repairs which should be done soon. The issue is the direct connection from the private sewers to the MWRA pipe. The MWRA wanted the City of Newton to own the 40 ft main extension, so the City can be called if there is an issue with the pipe and not the Homeowners Association. Mr. Taverna confirmed that the Farwell Street Subdivision was all new lots. The public hearing was opened.

Ken Cunningham, 50 Farwell Street, asked where the connection will be made. Mr. Taverna showed Mr. Cunningham where the extension would be on the map.

The public hearing was closed. Councilor Kelley motioned to approve which passed 5-0, with Councilors Leary and Gentile not voting.

#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.

Action: Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)

Note: Councilors John Rice and Brenda Noel presented the request to NAME the intersection of Walnut and Lincoln Street in honor of John O’Hara. The committee welcomed and thanked Carl, Patrick, Barbra and Barbra O’Hara. Councilor Rice explained that John O’Hara passed away recently and that the family owns two establishments in Newton, O’Hara’s and Paddy’s. The Paddy’s Road Race has raised \$800,000 since 2002 for the Special Athlete’s Program. Councilor Rice proposed that there should be a sign at the intersection welcoming people to Newton Highlands and identifying the intersection as John O’Hara square. Additionally, Councilor Rice expressed that the sign be unveiled at Village Day. A committee member added that the family also raises money for Dana-Farber. Councilor Noel expressed that the O’Hara family is an important part of Newton and added that at their restaurants the family employs disabled adults. The committee thanked the O’Hara family for their extensive generosity and service to the City. Councilor Danberg motioned to approve which passed 5-0, with Councilors Leary and Gentile not voting.

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.

Action: Public Facilities Approved 4-0-1 (Councilor Lappin abstaining, Councilors Leary, and Gentile not voting)

Note: Commissioner of Public Buildings presented the request for a boiler replacement at the Police Headquarters. There are 2 boilers at the headquarters, and one has sprung a leak. The fully-

functioning boiler can carry the load for most of year except during the coldest months. Commissioner Morse explained that he will be coming back to the committee for \$40,000 and in the Capital Improvement Plan (CIP) there is \$940,000 to replace the heating system with a variable refrigerant flow (VRF), which is an electric system. The Burnham cast-iron boilers will be used as back-up when the Headquarters moves to all electric. This is necessary in a critical facility where operations must be sustained, and generator sizing for all electric can be prohibitive.

Commissioner Morse explained there are 2 quotes for the boiler replacement: \$93,000 versus \$82,000 including about \$4,000 in contingencies. A committee member asked about the boiler that is not being replaced and if it is in good enough condition to be a back-up? Commissioner Morse explained that it is in good condition and feels confident it can be used as a back-up, but the condition is hard to tell on the old cast-iron because it tends to rust within. Additionally, Commissioner Morse explained that with the buying power through the electric project they may be replacing the cast-iron boiler with a condensing boiler. The boiler that is being replaced currently is about 30 years old. Councilor Lappin abstained from the vote until the Interest Temp. Loans account is explained in the Finance Committee. Councilor Danberg motioned to approve which passed 4-0-1 with Councilor Lappin abstaining and Councilors Leary and Gentile not voting.

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.

Action: Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)

Note: Director of Sustainable Materials Management Waneta Trabert presented the request to accept and expend a grant from the Department of Environmental Protection (DEP). Ms. Trabert explained that this is an annual grant from the DEP and that there are 10 different grants within the program. This grant is for the Recycling Dividends Program and the program has a point system for municipalities which are earned by policies and programs that are put in place. Each point has a dollar value based on number of households served. In Newton each point earns the City \$4,000. The City received 13 points this year which awards Newton \$52,000. Placing Newton among 12 communities in the state that received over \$50,000. The grant may be used towards things such as Waste Management related educational efforts and pilot programs. There is no deadline to spend the money. Councilor Kelley motioned to approve which passed 5-0, with Councilors Leary and Gentile not voting.

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.
- Action:** **Public Facilities Approved 5-0 (Councilor Leary and Gentile not voting)**

Note: Director of Sustainable Materials Management Waneta Trabert presented the request to transfer funds for two new trash compactors at Rumford Avenue. At Rumford Avenue there are 2 trash compactors units that are used for City purposes. Ms. Trabert believed these compactors were purchased used over 40 years ago. Councilor Danberg motioned to approve which passed 5-0, with Councilors Leary and Gentile not voting.

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.
- Action:** **Public Facilities voted No Action Necessary 5-0 Councilors Leary and Gentile not voting)**

Note: The council received a revised request to replace the two trash compactors (#390-19). Councilor Kelley motioned no action necessary which passed 5-0, with Councilors Leary and Gentile not voting.

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

Note: Director of Sustainable Materials Management Waneta Trabert presented an update on the Sustainable Materials Management Program, followed by the request to revise White Goods and Bulky Items ordinances. See item 391-19. Ms. Tarbert's PowerPoint presentation is attached to the report.

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.

Action: Public Facilities Approved 5-0-1 (Councilor Lappin abstaining and Councilor Gentile not voting)

Ms. Trabert began by giving an overview of the Waste Management Contract. The proposed new Waste Management Pricing Proposal will keep the same service terms as the current contract with the exception that the contract will include cart and cart inventory management which is estimated to save \$110,000 annually. The proposal assumes changing the fees for bulky waste and white goods collection. Hauling costs will increase 17.5% in FY21, primarily due to the prevailing wage increase. The budget for the Sustainability Materials Management Division will need to increase 5-6% annually during FY21-25. Another change is the recycling processing fee, which is currently in the contract, but the price is capped at \$30 per ton and the proposed change is \$89 per ton with no cap.

From the 311 system DATA, the department was able to analyze Bulky Waste data in Newton. Overall bulky items account for 5 to 7% of Newton's trash. The annual tonnage cost is \$75,000. The current policy is outlined in the presentation. The current ordinance allows pick up of up to 5 items per household per week at no charge, where the amended ordinance would charge \$25 per item. The proposed fee-based program will reduce trash hauling cost by \$140,000 per year and the estimated reduction in trash tonnage will save an additional \$75,000 per year. Additionally, 311 system data enabled the department to assess the costs to pick up White goods. The data showed that there have been 5,760 requests over the span of 5 years, with 14% of households in Newton having made at least one request. The current policy is outlined in the presentation. The proposed changes are that there will be \$25 fee per item. Waste Management will collect the items and payment methods will remain the same. Collected items will be transported to the Resource Recovery Center. If the resident delivers White goods to Rumford Ave, there is only a charge for TVs and computer monitors.

A committee member commented that because residents can get 5 free Bulky items per week, some people are abusing this policy. A committee member asked if instead of a resident paying a \$25 fee per item, has the department considered putting a limit on how many times a resident can use the bulky waste program at no cost? Ms. Trabert explained that it is extremely difficult to track the amount of times a resident has used the program.

The committee member believes that IT is a large jump from nothing to \$125, if a resident puts out 5 items per week. Ms. Trabert explained that in the department's analysis residents were not putting out 5 items at a time and that 5% of households were generating 30% of all the requests. A committee member commented that the system has been abused by entities buying these items from residents and using the Bulky Waste Program.

A committee member asked if there are any untended consequences of people illegally dumping trash. Ms. Trabert explained that there are other communities that charge a fee and these communities are not overrun with illegal dumping issues. Currently Ms. Trabert is dealing with illegal dumping on a weekly basis. A committee member commented that the dumpsters on public property should at least be secured

and locked and there should be a camera to avoid illegal dumping problems. Ms. Trabert explained that this project is on the radar of the Public Buildings Department.

Public Comment:

Harry Sanders, 607 Washington Street, explained that he provides a removal service to homeowners for newer items where he leaves the item in front of his house and because he lives on a busy street the items usually are taken by someone driving by. He questioned if the City charges \$25 per bulky item and if someone takes the item that is left out then does the resident get a credit? Ms. Trabert explained that putting this fee in place is a deterrent from putting in the bulky waste request before trying another route to reuse the item. Mr. Sanders explained that the City should not want to deter residents from doing public good. He is a caretaker of Edmunds park where there are illegal dumping issues. When there is a bulky waste item in Edmund Park, he takes it to his home and then the City will take it away. DPW may not be able to find the items in the park. He feels the City should seek ways to promote a cleaner Newton.

The Chair asked Ms. Trabert to go through the attached redlined proposed ordinance. Additionally, the Chair agreed with the adding of a fine for those who put items out on their street without paying the bulky waste pick-up fee. A committee member asked what if the resident puts the item out and someone driving by takes it? Ms. Trabert explained that the fine would be imposed if a neighbor calls and the item has been out on the curb for an extended period. If an item is abandoned on the public way, then Waste Management would remove it immediately. In Section 11-9 (a) the fines are explained; the first offense is a written warning, second offense a \$50 fine and for third and subsequent offenses within one year the fine is \$75.

A committee member asked how the changes to this ordinance will be advertised. Ms. Trabert explained that they will advertise in the Mayor's Newsletter, connect directly with multi-family property owners. A committee member commented that there should be a letter in the Newton TAB. The committee thanked Ms. Trabert for her work on this project.

A committee member asked when the start date will be for the project? Ms. Trabert explained that the timeframe for implementation is open because the department still needs to go back to Waste Management to discuss the changes. Currently it is not in the Waste Management Contract to pick up the White goods until the new contract begins July 1st, 2020. This would not affect bulky items. A committee member suggested that July 1, 2020 be the start date for the whole program. Commissioner of Public Works, Jim McGonagle, explained that DPW would prefer to start this on February 1, 2020. Additionally, Commissioner McGonagle explained that the department can handle the White goods pick-up until July 1, 2020. February 1, 2020 will give the department enough time to roll out the program. The committee discussed approving conditional on a start date of February 1, 2020. A committee member asked how else residents can learn about these changes to the program? A committee member suggested that the news can be posted in the City Council's newsletter and in City Councilors' own newsletter. Commissioner McGonagle explained that the DPW also has a newsletter and the department can reach out to the Area Councils to post the changes. Additionally, Ms. Trabert explained they will be reaching out to the property

owners of multi-family units. When asked about how these changes will impact administrative work, Ms. Trabert explained that with this being 5% to 7% of the waste stream, the department is currently spending a large amount of time on bulky waste and whitegoods, and that these changes are one of the easiest ways to improve the City's waste diversion efforts and to alleviate administrative burden. Councilor Lappin abstained until there is a breakdown on how much disposing of each item costs to confirm this cost is not under the \$25 fee. President Laredo motioned to approve with the condition that this program will be implemented on February 1, 2020 which passed 5-0-1 with Councilor Lappin abstaining and Councilor Gentile not voting.

Respectfully submitted,

Deborah Crossley

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

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.²²

(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

FY21-FY25 Waste Management Contract & Proposed Policy Changes

November 6, 2019


Waneta Trabert
Director of Sustainable Materials Management
City of Newton DPW



1

Waste Management Services Rendered

- Current contract FY16-FY20
- Residential trash, recycling, yard waste hauling
- Residential recycling processing
- Dumpster service for NPS, municipal buildings, and apartments that have been grandfathered into City service
- NOT trash disposal – separate long-term contract



2

Residential WM Services

<p>Trash Hauling</p> <ul style="list-style-type: none"> • Weekly curbside cart collection with automated side-arm trucks • Trash limit is 64-gallons • Overflow bags available for purchase • Extra cart available for annual fee • Bulky waste pickup with rear-load truck • Transport to Wheelabrator in Millbury 	<p>Yard Waste Hauling</p> <ul style="list-style-type: none"> • 39 weeks of yard waste collection with rear-load trucks <ul style="list-style-type: none"> – Yard waste bags or barrels – No limit – Transported to Resource Recovery Center on Rumford Ave. • 2 weeks of Christmas tree collection <ul style="list-style-type: none"> – First 2 weeks of January – Transported to Lorusso in Plainville
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3

Residential WM Services

<p>Recycling Hauling</p> <ul style="list-style-type: none"> • Weekly curbside cart collection with automated side-arm trucks • Recycling limit is 64-gallons • Extra cart available at no cost • Transported to Materials Recovery Facility in Avon 	<p>Recycling Processing</p> <ul style="list-style-type: none"> • Tonnage cost for recycling • Cost to sort recycling through materials recovery facility
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4

New WM Contract Pricing Proposal

- Same service terms as current contract **except:**
 - Include cart management and inventory = \$110,000 annual savings
- Proposed cost savings through policy changes
 - Bulky waste collection
 - Whitegoods/Scrap metal/electronics collection



5

New WM Contract Pricing Proposal

- Current annual increase is 3.5% for hauling costs
- FY20 to FY21 increase is 17.5% for hauling costs
 - Primarily due to prevailing wage increase
 - Increase would be 8.6% without prevailing wage hike
- Overall Sustainable Materials Management Div budget will increase 5-6% annually during FY21-FY25



6

Recycling Processing Fee

- Per ton cost = \$89 (fixed processing cost) – BV (blended value based on commodity indexes)
 - City share will be 70% when BV exceeds processing fee
- Cost capped in current contract
 - Was \$30 cap until July 1, 2019
 - Increase in cost cap renegotiated in 2018 due to China import restrictions to \$60 for FY20
- Cost in pricing proposal is \$89 with no cap



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Comparison of Processing Fees

Municipality	Recycling Processing Fee	Households Served
Newton	\$89/ton minus blended value	28,500
Boston	\$115/ton in FY20 contract	259,000
Brookline	\$78.50/ton; next contract in FY21 could push over \$100/ton	13,305
Cambridge	\$70/ton currently; next contract for 2021 expecting an increase	32,500
Needham	Not single stream; source separated drop-off; cost/revenue varies with markets	7,336
Waltham	Capped at \$100/ton	19,170
Watertown	Contract capped at \$30/ton; contractor wants to renegotiate to \$97/ton	
Wellesley	Not single stream; bale and sell own materials; cost/revenue varies with markets	9,260
Weston	No contract, market based and fluctuates- in Aug 2019 paid \$80/ton	1,749



8

Bulky Waste Collection



30% Mattresses & Box Springs



15% Upholstered Furniture



15% Carpet & Rugs



20% Wooden Furniture



5% Scrap Wood

15% Other:
sink/toilet, office chair,
large dog bed, suitcase,
air hockey table, etc.



9

Bulky Waste Collection

- Analyzed data from 2014-2019
- Over 77,000 requests
- 43% of households served did not make a single request
- 5% of households averaged over 2 requests per year
 - These households made up 33% of ALL requests
- Bulky items make up 5-7% of Newton’s trash stream
 - Average annual tonnage cost is over \$75,000



10

Bulky Waste Collection

Current Policy

- 5 items per household per week
- Must make an appointment on 311, by calling Customer Service, or Recycle Right Newton app by 3:30 the day before trash day
- Carpet and scrap wood must be bundled in lengths of 4ft and up to 50lbs; each bundle = 1 item

Proposed Policy

- \$25 fee per item
- Same appointment requirement
- Same preparation requirements

Moving to a fee-based program will **reduce trash hauling cost by \$140,000 per year.**


Estimated reduction in trash tonnage will **save an additional \$75,000 per year.**

11

Waste Policy Comparison

Municipality	BW Limit	Waste Disposal Fees	BW Collection Details
Boston	none	none	no appointment needed
Brookline	none	Hybrid pay-as-you-throw program: \$190/year for 35gal cart; \$252/year for 65gal cart; \$312/year for 95gal cart; overflow bags 5 for \$15	Scheduled 1 week in advance
Cambridge	1 item/wk	Fine of up to \$300 for move outs	No appointment needed
Needham	none	BW \$5-20 per item; Trash bag fee 15 gal- \$1.75/bag; 30 gal-\$2/per bag	Drop off at Recycling and Transfer Station
Waltham	none	none	Schedule 2 days in advance
Watertown	2 items/wk	none	No appointment needed
Wellesley	none	none	Drop off at Recycling and Disposal Facility
Weston	none	\$240/year for RTS permit	Drop off at Recycling and Transfer Station

5 other nearby/comparable municipalities charge a fee for bulky item disposal: Framingham, Lowell, Winchester, and Milton. Fees range from \$3-\$30 per item in these communities.



12

Whitegoods/Scrap Metal/Electronics Collection




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Whitegoods Collection


- DPW operation since January 2016
 - 2 staff members using a truck with a lift gate
- Once weekly pickup on Wednesdays
- 5,170 requests through August 2019
- 14% of households have made at least one request
- 19% of requests had nothing out at time of pickup



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Whitegoods Collection

<p>Current Policy</p> <ul style="list-style-type: none"> • \$25 fee includes one TV/monitor and no limit on other items <ul style="list-style-type: none"> – \$18 for each additional TV/monitor • Payment options include Newton’s online bill pay system and Customer Service • Payment received by 4:30 on Friday will be collected the following Wednesday • Collected items are transported to Resource Recovery Center 	<p>Proposed Policy</p> <ul style="list-style-type: none"> • \$25 fee per item • WM will manage the collection • Payment methods remain the same • Collected items transported to Resource Recovery Center
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Whitegoods Policy Comparison

Municipality	WG Limit	WG Fee	WG Collection Details
Boston	none	\$0	Must schedule TVs and large appliances
Brookline	4 items/wk	\$0	Scheduled week in advance
Cambridge	none	\$0 or \$25	Permit required. Free for bicycles, grills, metal desks, exercise equipment; \$25 for large appliances and items containing refrigerants
Needham	none	\$15	Drop off at Recycling Transfer Station
Waltham	none	\$0	Scheduled week in advance
Watertown	none	\$20	Must purchase \$20 sticker to put on item
Wellesley	none	\$20	Drop off at Recycling and Disposal Facility
Weston	none	\$0	Drop off at Recycling and Transfer Station



16

Private Hauling Pricing Comparison

Company	Price	Terms
Best Buy	\$99	Appliance removal; subject to additional disposal fees
1-800-GOT-JUNK	\$125	Appliance removal
Junk King	\$108	Appliance removal
Affordable Junk Removal	\$175	Smallest load; additional \$25 fee for appliance removal



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Big Picture

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



18

Waneta Trabert

Director of Sustainable Materials Management

wtrabert@newtonma.gov

www.newtonma.gov/recycling

Recycle Right Newton app



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