

TOWN COUNCIL MEETING MINUTES OF SEPTEMBER 7, 2021

President Boncore Opens Meeting to order at 7:00 PM, with the Zoom information

ROLL CALL

Present: Councilor Flockhart, Councilor Demarco, Councilor Letterie, Councilor Honan, Councilor Ferrino, Vice President Christopher, President Boncore
Absent: Councilor LoConte

PLEDGE OF ALLEGIANCE

Councilor Ferrino

MOMENT OF SILENCE

Arthur "Archie" LoConte-Father of Town Clerk Carla LoConte Vitale

MINUTES

Motion by Councilor DeMarco to accept Minutes of September 7, 2021
2nd by Councilor Honan
Passed 8-1 (Councilor Ruggiero Abstain)

Council President reports that in the past 14 days the town has had 83 new cases of Covid and 42% Delta Variant, not as sick, but did get Covid...he asks to pay attention, be careful...please get vaccinated.

GENERAL INFORMATION AND RECOMMENDATIONS

- Bill Schmidt-Board of Health Chairman reports on the Solid Waste Regulations
- Wendy Millar Page discusses the Trash regulation
- Council President asks if this is a draft of the regulations?
- Yes...Bill states
- Councilor Flockhart asks about Electronics...pc, printers, etc...
- Councilor Honan-asks about why provision to ban scavenging as some people need cans to add to their economy
- Wendy Millar states on public health side, they are talking about furniture and spreading germs....
- Councilor Ferrino....a lot of people take scrap metal, scrappers
- Councilor Flockhart, glad to see scavenger...nervous about dumpster divers...
- Bill...there is a separate ordinance for dumpsters to address this issue
- Councilor Ruggiero, very comprehensive and thank you. He has a question on enforcement? Wondering if strategy can be shared on enforcement, fines, who will enforce...etc.
- Bill answers in terms of regulations and enforcement, DPW and Wendy on street doing enforcement, it does not hurt to have multiple people to help with enforcement, this is also still be reviewed by K&P
- Councilor Christopher asks what's the timeline is for passing this? And when will be implemented?
- Bill states that a public hearing will be held next week and waiting for K&P review information
- Interim Town Manager Delehanty hopefully by end of week
- Bill, once we have and all makes sense, it is possible it could be voted on next week, more likely the following week, part of the communication process is public notice,
- Wendy would like this passed as soon as possible...part of the goal is educating the public
- Councilor Ferrino asks if (4) units trash pickup has been addressed?
- Bill, yes anything over 3 will not be picked up
- Councilor Letterie, ordinance limited to 3 and less...what about 4 families that have been picked up in error
- Interim Town Manager Delehanty states once identified, they will be notified

PUBLIC HEARING

Public Hearing Opened

Town Council authorize a 7-yr lease -purchase 2022 Seagrave Marauder Pumper Engine/\$689,996.00

Chief Flanagan discusses that no longer can a firefighter ride on the outside of a piece, therefore we are borrowing apparatus from Boston...we are looking to replace our 2011 and replace engine 2, we are geographically challenged...it is important that we have dependable apparatus in town. Looking for safety of firefighters and community.

Councilor Letter reports that it came from the FC with a positive recommendation

FY22 making last payment from previous, this will replace this...

Councilor President thanks him and all for their response to a recent fire in Winthrop....

Public Hearing Closed

PUBLIC COMMENT

Corina Campobasso P3-Active Mothers out Front...thank you Wendy and Bill with a good job on new regulations...she is willing to help with any publication.... asks about fabric.

Wendy states not in yet, looking for a collector

She picks up a lot of bottles and cans and putting in yellow bin recycling bin...she heard that yellow top town own and regular are being combined? Is this happening?

Interim Town Manager Delehanty & DPW Director Calla states it is a challenge they do not have separate trucks...trying to work hard at getting the 52 barrels a day emptied...he will continue to work with Wendy on better solutions...

We do in the town and capital waste picks up from town buildings...

Problem is with beach and park barrels...

Maybe too many barrels around.... maybe carry in carry out.... DPW would like to promote this....

Jack Dowd P3-Reading from a memorandum of an environmental analyst report that proposed a storage tank, states about size of tank.... storage tank would not fit in Ingleside, larger systems be cost prohibited.

Would a storage tank help developer? Reads information from an engineer and discusses the 25-year storm.... if event occurs before and after high tide, it cannot run off.... all water must be stored...

6,874,000,000 gallons in the 156 acres is needed...in gallons the tank would have to be a 12.5 million storage tank...the entire area is considered a storage tank....

Discusses method...no one has told us how much water stored in the CBD or if these pipes have anything to do with storage of water from CBD...are the 48 and 60 pipe connected to Donovan Beach?

Eric Holverson...coastal zone mgt... concerned with a limited use of green infra techniques

Council President states that after this storm the water drainage in the CBD did its job, this project has done a great improvement.

Director Calla states that CBD Drainage is connected to Donovan Beach

Karin Chavis P2-Discusses Old Business cruiser and sidewalks, this is tabled indefinitely.... Covid money should be taking care of this?

Interim Town Manager Delehanty we are doing what is allowed y ARPA's money but still looking at lost revenue...we have used ARPA's for our budget....

We may not have flexibility on our loss revenue side. Our lost revenue what will be committed to projects.

Kathleen Cappuccio P2-In less than 2 mos. will be the 8-year anniversary to build our middle school...we are not close, at this point it is inexcusable, next to nothing has been done and sight is costing taxpayer money. It should be addressed on all agenda's.... this sight needs attention.... please do something...

Public Comment Closed

CORRESPONDENCE

Please see attached list

COMMITTEE REPORTS

Finance Committee

Finance Committee / Capital Assets Joint Meeting on Miller Field
Councilor Letterie discusses the expense that the schools are paying, close to 80,000 maintenance on Field Maintenance we want this to be maintained not only for current use, but 7-10 year window where turf field will have to be replaced...Miller Field will be a committee for several more months and agree to have multiple meetings....parks and rec, athletic dept. superintendent...want to do what is best for town...unanimous thought was school have complete control of facility whenever needed....Need to figure out how best to be maintained...need to be on agreement.

Dog Park and Golf Shed....Assistant CFO has identified some source of revenue for further money required.

At MFC Meeting...Dog Park Cost.... \$135,000, Golf Shed Cost \$460,000
\$100,000 given for this from the Winthrop Foundation and Winthrop funded \$25,000, both projects have started and will be completed in the spring.

Memorandum from Interim Finance Director...change policy of Free Cash....
40% to Cap. Stab. And 30% to Gen Stab. And recommendation is to switch this....
Finance Committee voted with a Positive Recommendation on this memorandum...still other items to discuss.... Liquidity (Retained Earnings) for Enterprise funds.... recommendation is to have 20%

Voted with a Positive Recommendation that the Town Council authorize a 7-yr lease -purchase 2022
Seagrave Marauder Pumper Engine/\$689,996.00

Rules & Ordinance

VP Christopher discusses...

Response to Tree Moratorium...put a pause on public healthy shade trees being brought down while ordinance being reviewed. Committee agreed with ultimate point of petition.... while working on ordinance do agree but same time there are questions of the Town Council authority, does not feel Town Council has authority to amend to state policy. Asks Tree Warden if he would agree to hold off on cutting any healthy trees.... during the discussion of this Tree Policy Ordinance

Town Council Motion do not accept any applications for public shade trees until ordinance is done.

Solid Waste—We did hear from the Board of Health on this subject...Town Council has a roll from financial perspective.... passed a motion that this will be part of budget annually and will not have to be voted on. Individuals who meet certain circumstances, will not have to pay fees, they can apply to the Town Managers Office

Flag Raising policy...considered other communities.... feels confident this provides guidelines to consider when town takes in flag raising application

All Motions passed with a Positive Recommendation

TOWN MANAGER REPORT

Interim Town Manager Delehanty reports that Community Paradime Assoc. is working with Massport Community Advisory Committee (CAC) that they are looking for a new Director that pays \$125,000, they are reaching out to all communities that they serve.

Northeast Vocational School is looking for all their communities to support the building of a new NE Vocation high school. Has a meeting on September 9, 2021, to go through systematic process, this is a very expensive endeavor, all 13 communities must vote positively, or it will go on a ballot.

Addition to our current assessment of \$891,675, this building a new high school would increase this assessment.

He will report after meeting.

Middle School RFP project should be closing Thursday...bids for commercial real estate advisors to walk us through the purchase of the property...

Conservation Commission still looking for members who are passionate for this committee.

EB Clock tower RFP language is being completed and will be put out to bid

Surplus of 8 DPW vehicles have bids on them and if all show up and pick up vehicles, about \$18,000 worth of surplus

Ferry letter DOT, requirements to qualify to get reimbursed

CBD Electrical charging stations by public lot across from Citizens Bank, even if do not put these in, it would be the time to do the wiring and prepare to install. Exploring if within budget.

20th anniversary of 9-11 will be Sat. on 9-11-2021 on the library lawn, outside

Must come up for a solution if Zoom meetings will continue.... a funding will be needed.

As for the Flag Policy, keep Austin Faison Flag policy which is flying the American Flag, POW, and State Flag, he understands the community may want something else and the Town Council may decide to vote on something else.... decision of what flags to raise puts the Town Manager Dept. in a unique and awkward position of having to choose. Would like to protect the Town Managers office for the future.

Citizens police academy...registrations are online. the nights have been changed to Thursday night....

Reports his appreciation for 10 Vine Ave. quick response.

Director Hurley reports on COVID-compares data (See attached slides and on webpage.)
If continues hopefully will see a slower rate

Increases of vaccines, age group 50-64 slower to get than most...

Interim Town Manager Delehanty Covid is here to stay, we must learn to adjust to it and remind all closing is not our priority

Councilor Ferrino received an alert from a local business that they sent out if not vaccinated, don't come in.

Director Hurley reports that Contact tracing is very difficult...encourages any business or organization...to send info out

Councilor DeMarco discusses the CBD not being bright enough...
Interim Town Manager reports there is temporary lighting being added.

Appreciates opinion on flag policy, would this change if it raised in front of the EB Newton not Town Hall.
Interim Town Manager Delehanty his problem is not raising these flags....it is what flags must be flown, some have been hijacked and some flags could be very controversial.... some might be more offensive....it is difficult to decide process.

Council Letterie would like an update on the water study.

Interim Town Manager Delehanty, they were waiting on numbers from the MWRA, they have since been released and draft report is finished, and they will be coming to a meeting, they sent out a draft previously .99 increase, town did .63 increase...

-Looking at proposed bump outs in the CBD, he has concerns about the Cervizzi bump out and encourages Town Council to look at these proposed bump outs and see how this will affect traffic, snow removal...we can change but it must be done quickly.

Interim Town Manager Delehanty speaks on one issue...when we have large events...left turn going up Bartlett, with current bump out approved by Town Council, this should be adjusted.... now is the time to make the motion and make tonight and send to committee as time is of the essence.

Can it be discussed about an abatement process and send to a committee for review, there will be abatements.

Ferry....looks good, are there restrictions, have we received money?

Interim Town Manager Delehanty no we have not received it and there are certain requirements.

Interim Town Manager Delehanty must have a full ferry season schedule and our commitment in a future that will not include DOT funding. Interim Town Manager Delehanty still in discussion with other Ferry services as this is considered a band aid fix for this year.

Councilor Ruggiero....asks is their grant money for CBD charge station....

Interim Town Manager Delehanty has asked Planner to investigate this...the future is electrical charging station...

Would be interested in checking how many cars would need this.

Director Calla states we are talking about just 2 spots for now.

SCHOOL COMMITTEE

Council President reports meeting tomorrow night but school opened to a good opening and so far, so good, wearing masks....no spread,

OLD BUSINESS

Transfer \$147,000 from Capital Stabilization to General Fund for Sidewalks and Police Car-**Motion Tabled**

Motion by the Finance Committee with a Positive Recommendation that the Town Council authorize a 7-yr lease -purchase 2022 Seagrave Marauder Pumper Engine/\$689,996.00

ROLL CALL VOTE

Approve: Councilor Ruggiero, Councilor Flockhart, Councilor Demarco, Councilor Letterie, Councilor Honan, Councilor Ferrino, Council Vice President Christopher, President Boncore

Absent- Councilor LoConte

Motion Passed 8-1

Motion by Christopher to waive reading of Finance Memorandum

2nd by Ferrino

Passed Unanimously

Motion by the Finance Committee with a positive recommendation that the Town Council amend the 2013 Reserve Policy by increasing the distribution to the General Stabilization Fund from 30% to 40% adding language that the cap to the stabilization fund at 10% upon reaching the target of 10% the fund balance can be adjusted annually by increasing the fund by the same percentage increasing the operating budgets which is far less than the 40% the excess free cash can be distributed to other strategic reserves , the annual distribution to the Capital Stabilization would adjust to 30%.

No 2nd Needed

ROLL CALL VOTE

Approve: Councilor Ruggiero, Councilor Flockhart, Councilor Demarco, Councilor Letterie, Councilor Honan, Councilor Ferrino, Council Vice President Christopher, President Boncore

Absent- Councilor LoConte

Motion Passed 8-1

Flag Policy

Vice President Christopher reports that given information learned from the Interim Town Manager, he will table until a policy that will work for this Town Manager and for the future of the Town Managers Office.

Councilor DeMarco thanks Vice President Christopher and his committee for their hard work

Motion by the Rule & Ordinance that be it resolved that the Winthrop Town Council encourages the Winthrop Tree Committee not to approve the fouting of any otherwise healthy trees that should be put before it until a permanent ordinance is adopted

No 2nd Needed

Passed 8-1 (Councilor LoConte Absent)

Motion by Vice President Christopher to return to the Trash Ordinance

2nd by DeMarco

Passed Unanimously

Motion by Rules & ordinance to move that the Winthrop Town Council add the following section to the Code of Ordinances,

"Section 13.12.110 - Solid Waste Fees.

Property owners shall be charged an annual fee and any other fees relative thereto per unit as determined by the Town Manager or their designee, subject to approval of the Town Council, before the annual budget is presented to the Town Council by the Town Manager.

The Town Manager or their designee may at their discretion determine whether circumstances exist for a property owner that they shall not be required to pay an annual trash fee. Such circumstances might include an extended period of vacancy at a property where solid waste pickup is not necessary, a private solid waste pickup contract is in place between the property owner and a third party to pick up trash or other circumstances as they may arise.

Fees not collected shall be subject to all collection remedies as provided by law, including but not limited to collection procedures for unpaid water or sewer fees pursuant to G.L. c.40, §§42A-42F or G.L c.83, §§16-16F, respectively, including interest and demand fees. Any fee not paid 30 days from the date of the electronic transmission or mailing of each bill may be subject to a lien in accordance with these statutes. Such liens shall remain valid to the extent allowed by law."

No 2nd Needed

ROLL CALL VOTE

Approve: Councilor Ruggiero, Councilor Flockhart, Councilor Demarco, Councilor Letterie, Councilor Honan, Councilor Ferrino, Council Vice President Christopher, President Boncore

Absent- Councilor LoConte

Motion Passed 8-

NEW BUSINESS

Motion by Councilor Letterie to reduce or eliminate the bump out in front of Cervizzi's Martial Art Studio

Council President refers this to the Public Safety Committee

Motion by Council President to appoint Tim Duplin to the Tree Committee and to appoint John DaRos to the Board of License

ROLL CALL VOTE

Approve: Councilor Ruggiero, Councilor Flockhart, Councilor Demarco, Councilor Letterie, Councilor Honan, Councilor Ferrino, Council Vice President Christopher, President Boncore

Absent: Councilor LoConte

Motion Passed 8-1

Motion by the Council President to appoint Vincent Amara and Steven Strianese to the Airport Hazards Committee

ROLL CALL VOTE

Approve: Councilor Ruggiero, Councilor Flockhart, Councilor Demarco, Councilor Letterie, Councilor Honan, Councilor Ferrino, Council Vice President Christopher, President Boncore

Absent: Councilor LoConte

Motion Passed 8-1

PUBLIC COMMENT

Jack Dowd-Concerned about Ingleside Park, Woodard and Curran is open to discussing green alternatives and other alternatives, he is suggesting a meeting with Coastal Zone Management.

Kurt Millar-Discusses the Ferry and happy this season covered.

Diana Veins-Excellent decision on the stay of execution for the trees and glad people realize the importance of this subject.

Bill Schmidt-Comments on how great the new tennis courts are at the High School

Councilor DeMarco....wish all happy Rosh Hashanah

Asks what the plans with Halloween or Christmas ceremonies we usually hold, if not down the center, could it be done at Crest Ave?

Interim Town Manager Delehanty -fun will be dictated by Meredith Hurley, and where Covid stands...will explore with Webster First Credit Union and DPW Director Calla as for the CBD.

Councilor Ruggiero agrees the tennis courts are so well done and thanks the activist in the community and everyone involved to keep these tennis courts...

PUBLIC RELATIONS / UPCOMING EVENTS

ADJOURNMENT

Motion by Councilor Ferrino to adjourn at 8:45 PM

2nd by Councilor DeMarco

Motion Passed

A DVD of this meeting is available from WCAT / www.youtube.com

Public Documents used in the meeting are available at Town Managers Office.

Documents Used in this Meeting: Handwritten Notes / Committee Openings Documents Roll Call Log
Written Motions / Verbal Motion

Respectfully submitted,
Town Council Clerk
Denise Quist



TOWN OF WINTHROP

OFFICE OF THE TOWN MANAGER

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1077 Fax: 617-846-5458

Terence Delehanty
Interim Town Manager

Town Council Motion

August 11, 2021

Fiscal Year 2022

Motion Summary

Title: Lease/Purchase Financing Agreement – Fire Department Pumper Engine
Motion ID: TCM22-004
Amount: \$614,996
Funding Source: General Fund

Motion Details

Motion Type: Appropriate
Submitted by: Terence Delehanty, Interim Town Manager
Date Submitted: August 11, 2021

Text of Motion

MOTION: I move that the Town Council authorize a 7-year lease-purchase of a 2022 Seagrave Marauder Pumper Engine for use by the Fire Department. The total purchase price of the pumper is \$689,996. A down payment of \$75,000 was appropriated in the FY22 budget. The amount to be authorized for financing is \$614,996; or take any other action thereto.

**Regulation Relative to the Storage and Collection/Removal
of Trash, Recycling, and Solid Waste Disposal**

DRAFT

Purpose:

It is the purpose and intention of the Winthrop Board of Health to protect the public health and safety, to safeguard the environment, and facilitate the proper and efficient storage and collection/removal of trash, recyclables and solid waste disposal in the Town of Winthrop by establishing this regulation.

Authority:

The Winthrop Board of Health shall have and exercise the power and authority and perform all the duties conferred by law or ordinance.

As provided by law, the board may make rules and regulations relative to the following:
The removal of garbage and other offensive substances, including solid wastes and recycling.

Notice of such regulations shall be given as required by law.

The board of health reserves the right to amend this regulation when, in its judgment, it is necessary to protect the public health and safety.

The Board of Health and the Department of Public Works and their designees are authorized to promulgate policies and procedures from time to time to aid in the implementation and enforcement of this regulation.

State Law reference— Health regulations, M.G.L.A. c. 111, § 31; permit for garbage removal; rules and regulations for removal of garbage, M.G.L.A. c. 111, §§ 31A, 31B; authority of board of health to regulate and control atmospheric pollution, M.G.L.A. c. 111, § 31C.

Definitions:

The following words and phrases are defined as follows:

Appliances: See "white goods"

Board of Health: The Town of Winthrop Appointed members

Bulky items: Bulky waste items are large items and include but are not limited to discarded broken furniture such as beds, box springs, bureaus, chairs, coffee tables, end tables, entertainment centers, gas grills (excluding a propane tank), large toys, lawn furniture, love seats, mattresses, mirrors, sofas, shelving, tables, and any oversized items that do not fit conveniently in a standard, town-issued trash receptacle. Items at any time

classified as Bulky Items are subject to change.

Commercial Trash: Any of the following: Trash generated as a result of carrying out a business; trash generated by a residential building containing more than three residential units; lawn and garden clippings from normal maintenance of the foregoing premises; and trash produced by the customers of a commercial establishment.

Construction debris: Items and waste produced and accumulated as a result of building construction, demolition, renovation, repairs, and or activities related to any of the foregoing, notwithstanding that such activity occurs at a residential property, and as such is not considered residential trash and not eligible to be collected at any time either during curbside collection. Construction debris includes, but is not limited to, sheet rock, blue board, lumber, sinks, toilets, cabinets, paneling, storm doors, storm windows, doors, wood, sliding doors, power equipment, and handheld equipment, rugs and carpeting.

Container: A bin used for the storage and collection of trash or recyclable materials. All receptacles must be lidded and made of metal or other durable, rodent-proof material.

Curbside Collection: The retrieval and removal, by a hauler under contract with the Town of Winthrop, of trash placed in trash containers furnished to all single-family residences and all residential buildings containing three or fewer dwelling units in accordance with the requirements of this regulation; curbside collection may be further regulated by the Board of Health and the Department of Public Works.

Department of Public Works: The Town of Winthrop Public Works.

Food Establishment: A business that stores, prepares, packages, serves or provides food for people to eat, and includes a restaurant, grocery market, convenience store, food stand or food truck, schools and other institutions, hotels, bakeries and vending machines.

Garbage: Waste material derived from animal or vegetable food waste, kitchen waste, or food scraps that will decompose or decay. To this regulation the term "garbage" may be interchanged with the words "trash" or "rubbish."

Hazardous Materials: Hazardous materials are toxic and volatile chemicals, gasoline, explosives, compressed gases, radioactive materials, and all other materials so deemed by the board of health to be hazardous.

Medical Waste: Any waste that is generated at health care facilities such as hospitals, clinic's, physician's offices, dental practices, blood banks, veterinary facilities, and laboratories in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Medical waste includes but is not limited to blood-soaked bandages, culture dishes and other glassware, discarded surgical gloves, discarded surgical instruments, discarded needles used to give shots or draw blood (e.g., medical sharps), cultures, stocks, swabs used to inoculate, cultures, removed body organs (e.g., tonsils, appendices, limbs) and discarded lancets.

Mercury Products: All products to which mercury has been intentionally added, such as thermometers with silver liquid, thermostats with silver liquid in a glass cylinder, button batteries, blood pressure cuffs, neon lamps, electrical switches, bilge pumps and sump pumps and items containing mercury; these are hazardous waste and shall not be discarded in regular waste disposal. Products to which mercury has been added are labeled by the manufacturer and require special handling at the end of useful life.

Overflow trash: Trash that exceeds the capacity of a single Trash Receptacle.

Plastic: High density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics and other plastics as may be determined by the Director of the Department of Public Works.

Recyclable material: Cardboard, glass bottles and jars rinsed clean, clean aluminum, leaf yard waste, plastic containers, metals, recyclable paper, and other such materials. Recyclable materials shall also include any such materials as covered by the Massachusetts Department of Environmental Protection or the Winthrop Department of Public Works. See 310 CMR 19.017 for DEP waste bans.

Recyclable paper: Paper that is clean, containing no stain, foreign substance, or food waste.

Recycling Container: A receptacle, blue with a yellow lid, issued by the Town of Winthrop to be used exclusively for the storage of recyclable materials and the placement thereof for curbside collection.

Restaurant: Within the context of this regulation, a restaurant is an establishment that provides service, food and beverages to customers at its regular and customary operation.

Rubbish: See "Trash"

Single Stream Recycling: The method where all recyclable materials including paper, glass, plastic, metal, aluminum, and corrugated cardboard are placed, co-mingled, not contained in a plastic bag, and not necessarily separated, in a recycling bin and collected in a curbside collection process that is separate from the curbside collection process for trash.

Specialty Items: Specialty items include generally, but are not limited to; anti-freeze, batteries, computer monitors, fluorescent light bulbs, mercury thermometers, nickel-cadmium batteries, paint cans (with original labels), propane tanks, televisions, tires (without rims), and waste oil. Items at any time classified as Specialty Items are subject to change. For disposal procedures, The Town of Winthrop shall provide specified fees and dates for recycling events.

Storage: The placement of trash in a proper receptacle at all times that such receptacle is not placed for curbside collection in accordance with the requirements of this Regulation. Storage refers, generally, to the days that trash is contained in a receptacle during the days that precede the day of curbside collection.

Trash: All household solid waste, including garbage, that is not defined as recyclable material. The meaning of the term "trash" incorporates the term "refuse" or "rubbish" and for the purpose of this regulation the word "Trash" may be interchanged with the word "garbage" or "rubbish." The term "trash" does not include yard waste, recyclable material, household hazardous waste, construction debris, electronics, and metals, or specialty items as defined herein.

Trash Container: A receptacle, color blue, issued by the Town of Winthrop to all residential properties in the Town containing three or fewer residential units therein, to be used for the storage of trash and exclusively for the placement thereof for curbside collection of residential trash except as may be determined by the Director of Public Works.

Trash Stop: A property eligible for Curbside collection.

Waste ban: State prohibition on landfill and combustion of easy-to-recycle and toxic materials. See 312 CMR 19.017

White Goods: Household appliances, whether of the color white or otherwise, such as washing machines, clothes dryers, refrigerators, stoves, hot water tanks, freezers, air conditioners, window fans, freestanding fans, and dishwashers. Items at any time classified as White Goods are subject to change.

Yard waste: Clippings of grass, weeds, hedges, shrubbery, plants or plant clippings, garden waste, leaves and brush. Further, the product of tree or shrubbery pruning no longer than four feet and greater than three inches in diameter; and any materials as further defined as "Yard waste" or "Leaf" by the Massachusetts Department of Environmental Protection or the Director of the Department of Public Works. Items may be bought to the Town Compost.

Requirements for the Storage of Trash:

Receptacles used for the storage of trash shall be physically placed prior to the weekly curbside collection at a location as near to the rear yard or side yard of said residence and as far out of public view as practicable, and firmly secured from animal intrusion.

The owner of any dwelling, or the association of unit owners of any condominium building, shall be responsible to assure that proper receptacles are in place for the storage of trash, and the obligation to provide such storage receptacles is non-delegable by lease or other written arrangement.

The occupant and owner of each such dwelling where a Trash /Recycling Container is issued shall take all proper and necessary steps to protect the Trash /Recycling container against misuse, loss, and damage and shall not deface or mark the Trash /Recycling container. Defacing will not include markings to indicate address and unit number of residential units.

The Town may require any such resident to pay for the replacement of a Trash/Recycling container which has incurred damage due to misuse or neglect by the resident.

Owners shall notify the police department and/or the Department of Public Works in the event of theft or loss of a Trash or Recycling Container.

Owners or Renters shall leave the Trash and Recycling containers for use by the subsequent resident in the event they vacate the premises and relocate to a residence outside the Town of Winthrop.

The owner/renter shall at all times keep the Town provided Trash and Recycling Containers at the assigned premises.

The placement on the ground of plastic or paper bags containing trash or recycling is prohibited. Violations will be subject to fines.

The owner and occupants of residences shall be responsible for removing trash strewn on the sidewalk or street as a result of torn or damaged containers.

It shall be the responsibility of the owner of any building containing more than three dwelling units to provide for the removal and disposal of trash and recycling weekly. This shall include lodging houses, rooming houses, hotels, motels and condos.

Town's Duties and Responsibilities:

The Town shall provide weekly municipal curbside solid waste and recycling collection to all owner-occupied residential units and non-owner-occupied rental units, limited to three or less unit buildings, serviced by the municipal collection contract at the time this regulation is adopted.

The Town shall provide one Trash Container, as defined herein, to every dwelling property containing three residential units or less and receiving municipal trash disposal service; one Trash and Recycling Container shall be issued per residential unit.

Every Trash and Recycling container issued to any property obtained by a resident or property owner, shall be and remain the property of the Town of Winthrop.

Only trash and recycling containers issued by the Town of Winthrop shall be used for the placement of trash and recycling for curbside collection, except as otherwise allowed for overflow trash.

Time: Trash/Recycling collection time is from 7am- 5pm. Containers authorized for curbside collection shall be placed for curbside collection no earlier than 7:00 p.m. on the day before scheduled collection and no later than 6:45 a.m. on the day of collection.

The owner of any property where a Trash/Recycling container is placed for curbside collection after the Trash Stop has been collected shall be in violation of this Regulation.

Receptacles placed for curbside collection shall be returned to the proper storage location no later than the end of the next day following the designated collection day.

Curbside collection shall take place according to a schedule established by the Town Manager in consultation with the Department of Public Works and viewable through the Town website.

Location and Method: Trash/Recycling containers, and any receptacle used for curbside collection for overflow trash curbside collection shall be placed in front of and within the side boundaries of the property constituting the trash stop, positioned as near to the edge of the street as practicable. The receptacle so placed for curbside collection shall be covered by a fully closed lid.

Limitation on amount of trash: no more than the Town containers per dwelling unit, apart from trash or recycling overflow in properly designated containers, approved by the Town.

The owner of any dwelling, or the association of unit owners of any condominium building, shall be responsible to assure that proper receptacles are used for the disposal and collection of trash and recycling and the obligation to comply with the provisions of this regulation is non-delegable by lease or other written arrangement.

Overflow Trash, Holiday Curbside collection: At the first curbside trash collection following the six respective holidays listed in this subsection, overflow trash may be placed for curbside collection without fee or overflow bags, provided however that it is contained within a proper receptacle.

The six designated weeks are the weeks of New Year's Day, Memorial Day, Independence Day, (Fourth of July), Labor Day, Thanksgiving, and Christmas. The Superintendent of the Department of Public Works may designate other days for curbside collection of overflow trash as deemed necessary.

Mandatory Recycling; Curbside Collection in Single Stream Recycling; Overflow Recycling

The procedures and requirements for the placement and disposal of Recyclable materials is mandatory for all properties in the Town unless otherwise specifically exempted by the Department of Public Works. The Town of Winthrop shall follow the MA DEP regulations for recycling.

Massachusetts Code of Regulations, 310 CMR 19.017, the Massachusetts Department of Environmental Protection Waste Disposal Ban Regulations, imposes restrictions on the disposal or transfer for disposal of certain recyclable materials listed within the regulation. To ensure conformance with the regulations, any person who shall place solid waste and recycling in lidded designated containers curbside for collection by the Town of Winthrop or its designated solid waste hauler shall simultaneously place curbside a designated recycling receptacle(s) containing waste prohibited from disposal and suitable for recycling under the State and Town's recycling program.

The Town shall provide one Recycling container, as defined, to every dwelling property containing three residential units or less and receiving municipal trash disposal service; one Recycling bin shall be issued per residential unit.

Recyclable materials must be placed in a town-issued Recycling bin.

Overflow Recycling. Overflow recycling may be placed in a rodent-proof covered container clearly marked "Recycling" and placed adjacent to the Recycling bin. The Department of Public Works may authorize other receptacles specifically approved for the curbside collection of Recyclable materials.

Recyclable materials must be placed for curbside collection in accordance with the requirements set forth in this Regulation. When materials that do not qualify as recyclable materials, or are not prepared in accordance with this section, are placed in a Recycling bin, no curbside collection of the recycling bin will occur. Warnings and fines may be imposed upon the homeowner.

Procedures for the Placement of Recyclable materials for curbside collection

Every household using the municipal trash collection services shall separate from regular trash all newsprint, recyclable paper, corrugated cardboard, aluminum, steel and tin cans, acceptable plastic containers, and glass containers made of clear, green, or brown glass for curbside recycling collection.

Materials as listed and so separated from ordinary trash shall be prepared in the following manner and placed directly into a recycling bin to be placed at curbside in accordance with the collection schedule established by the Town Manager in consultation with the Department of Public Works. The materials need not be separated from each other and shall not be encased in a plastic bag.

Newspaper/Recyclable paper. Newspapers and recyclable paper may be placed in a paper (not plastic) bag, a cardboard box, or tied into a bundle.

Glass. All clear and colored glass bottles and jars must be rinsed and have metal and plastic lids, rings and wrappings removed before being placed into the Recycling bin.

Plastic Containers. All acceptable plastic containers must be rinsed clean of food residue before being placed in a recycling container.

Metal Containers. All steel and mixed metal cans must be rinsed clean with labels removed.

Aluminum Cans. All deposit and non-deposit aluminum cans must be rinsed clean with labels removed.

Corrugated Cardboard. Heavy cardboard, preferably flattened and broken into sheets no longer than two and one-half feet by three feet.

No plastic bags, food storage bags, bread bags, chip bags, and the like.

No items smaller than 3"x3".

Scavenging:

The practice of "scavenging" (i.e., removing recyclable materials placed for curbside collection) without prior authorization from the Department of Public Works is prohibited. Whoever violates this provision shall be subject to a fine for each offense after a first warning has been given.

Commercial Trash:

It shall be the responsibility of the owner of any commercial establishment, business enterprise, manufacturing or trade establishment to provide for the removal and disposal of trash and recycling weekly.

Disposal of Bulky Items, White Goods, Yard Waste, and Specialty items; Hazardous Waste:

Bulky Items and White Goods. Curbside Collection Bulk items as defined may be placed for curbside collection on the property's regularly scheduled trash pickup day, following the purchase of a Bulky Item Sticker through the Department of Public Works.

Up to two bulky items such as mattresses and furniture shall be collected with the purchase and placement of a sticker purchased at The Department of Public Works by the town's solid waste collection contractor during the regular weekly curbside collection.

Yard Waste. Yard waste as defined may be placed for curbside collection provided that it is separated from regular trash and recyclable items and placed in recyclable paper bags for collection during the months of April through November according to a schedule established by the Department of Public Works.

Specialty Items: Specialty items as defined shall not be placed at any time for curbside collection and may only be disposed of by delivery to the Department of Public Works at a time scheduled by the Department of Public Works

Construction Debris. The owner of a property shall be solely responsible to arrange for and cause the removal and disposal of construction debris, as defined, from any location in the town. Construction debris is ineligible for municipal curbside collection. Construction and demolition debris including asphalt, bricks, concrete and other masonry materials, soil, rock, wall coverings, drywall, plumbing fixtures, insulation, roofing shingles, plate glass, metal, wood waste, electrical wires, or other such items, as may be determined by the Director of Public Works, shall not be collected by the town. Residents shall be responsible for the proper disposal of such items.

Hazardous Materials and Mercury-added products: All products to which mercury has been intentionally added, such as thermometers with silver liquid, thermostats with silver liquid in a glass cylinder, button batteries, blood pressure cuffs, neon lamps, electrical switches, bilge pumps and sump pumps and items containing mercury must be taken to a Mercury Collection site or must be disposed of as Specialty Items. E-Waste, including computers and televisions, and appliances may be recycled at annual collection events scheduled by the Department of Public Works. A fee may be charged for the disposal of certain e-waste items.

No person shall keep, store or transport over town streets or through any public place any hazardous substances as defined in MGL C. 21D, Section 2, or any sewage residue materials except when such materials are fully and completely contained in a sealed or tightly closed container so as to prevent leakage of vapors, fumes, or fluids or spillage of any kind. Such container is to be of material designed to withstand breakage, cracking, leakage, collision, dropping, fire and similar casualty or accident.

Fees associated with the disposal of Bulky Items, White Goods, Yard Waste, and Specialty Items, whether through curbside collection or drop-off, shall be established by the Director of the Department of Public Works or their representative, and may

reflect a discount for the disposal of certain items by persons over the age of 65.

Any person who arranges for a privately contracted hauler to remove any such Bulky Items, White Goods, Yard Waste, and Specialty Items from an address within the Town of Winthrop shall place the item for removal no more than 24 hours before such removal and shall notify the Department of Public Works of the address and scheduled time of removal. Failure to do so may result in a fine.

Fees:

The owner of each residential unit receiving curbside collection shall be charged an annual fee per unit for the collection of solid waste and recycling as determined by the Town Manager or their designee before the annual budget is presented to the Town Council by the Town Manager.

The Town Manager or their designee may at their discretion determine whether circumstances exist for a property owner that they shall not be required to pay an annual trash fee. Such circumstances might include an extended period of vacancy at a property where solid waste pickup is not necessary, a private solid waste pickup contract is in place between the property owner and a third party to pick up trash or other circumstances as they may arise.

Fees not collected shall be subject to all collection remedies as provided for real estate collection, including interest and demand fees. Any fee not paid thirty (30) days from the date of the electronic transmission or mailing of each bill may be liened to the property in the following fiscal years' real estate bill. Such liens shall remain valid to the extent allowed by law.

Property owners shall be entitled to obtain a waiver of trash fees on a per-month basis for residential dwelling units that are vacant for more than an entire month. It shall be the responsibility of the property owner to complete an affidavit as to the vacancy of the unit and submit same to the Solid Waste and Recycling Manager. The town shall not issue a waiver of trash fees for any month that precedes the date the property owner's affidavit is submitted to the Solid Waste and Recycling Department. Individuals who make one or more false representations regarding the vacancy status of a residential dwelling unit shall be fined twice the amount of the single unit fee for each such false representation.

Complaints and disputes:

The board of health shall take such action as is necessary to provide proper collection of trash and recyclables from every eligible residence and to order such additional collections as may be advisable to maintain proper service. The board of health shall in cases of dispute, determine whether the quantity, type or condition of the trash is within the terms of this regulation for collection.

Violations:

No person shall willfully and maliciously tip over and spill out the contents of any box, barrel or vessel containing ashes or rubbish set upon the sidewalk.

No person shall, without permission from the board of health, throw into or deposit in or upon any street, way, wharf, public place, vacant lot, or park or recreational area or throw into or deposit in any pond or body of water within the corporate limits any dead animal, dirt, sawdust, wastewater, rubbish, filth, automobiles or parts of automobiles, leaves or any refuse matter or substance whatever; nor shall any person throw into or deposit in or upon any dock, flat or tidewater within the jurisdiction of the town any dead animal or any foul or offensive matter or land any foul or offensive substance within the town.

Whoever, either themselves or by their agent, violates this section shall remove all such substances from the place where they have been deposited within two hours after personal notice in writing to that effect given by the board of health or any of its subordinates. If such notice is not complied with, such removal shall be made under the direction of the board of health or its agent at the expense of the violator.

Any person violating this regulation shall receive a written notice mailed to the owner of the property outlining the requirement of this section after the first offense, a written warning shall be mailed to the owner of the property following a second offense, and a \$50.00 fine shall be imposed upon the owner of the property. Subsequent offenses shall be fined and compounded based on cumulative offences and shall not exceed \$500.00 per subsequent offence. The Board of Health, The Department of Inspectional Services and the Department of The Public Works or their designees shall have the power to enforce this section.

Enforcement:

This regulation shall be enforced by the Department of Public Works, Department of Inspectional Services and The Board of Health and/or their designee and are further subject to Massachusetts General Law enforcement authority of the Winthrop Police Department.

The owner of any dwelling, or the Association of unit owners of any Condominium building, or any Commercial interest that is in violation of this regulation shall be subject to the penalties set forth in Noncriminal Dispositions of Violations--M. G.L. Ch. 40U s. 1 et.seq.

Only items authorized or approved for curbside collection in accordance with this regulation will be removed at curbside collection. Items left for curbside collection that are not placed for collection in compliance with this regulation and do not otherwise comply with the provisions of this regulation and are not removed shall subject the property owner to fines.

The placement for curbside collection of trash, recyclable materials, bulky items, white goods, or specialty items that are not eligible for curbside collection in accordance with this

regulation or that are improperly commingled with such items that are eligible for curbside collection, will not be removed by the municipal waste collection contractor, and such placement shall constitute a violation of this regulation.

Fines may be imposed, and violations shall be made a public record.

Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21 D.

Severability:

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

Effective Date:

This regulation, approved by the Winthrop Board of Health on XXXXXXXX XX, 2021, shall be effective as of XXXXXXXXX X, 2021

TC CORRESPONDENCE 9-7-21 as of 5:00 PM

In Favor of Tree Moratorium:

**Alyson Casey Dwyer
Julia Wallerice
Stephanie Haroules
Christopher Zike
Joanne Hillman**

In Favor of Flag Policy:

**Kirstine Gilzean
Randy Barnby
Julia Wallerice
Lee Zagorski
MARK MALUSHA**