



City of Malden

Malden City Hall
200 Pleasant Street
Malden, MA 02148

Meeting Minutes - Final Rules & Ordinance Committee

*Members: Councillors D'Arcangelo, Chair; Nestor, Vice Chair,
Anderson, Spadafora, Sica*

Tuesday, September 8, 2015

6:00 PM

City Council Chambers

Roll Call

Present: 4 - Neal Anderson, James M. Nestor, Craig Spadafora and David D'Arcangelo

Absent: 1 - Jadeane Sica

Business

[224-14](#)

Amending Section 9.28 to reduce fees for collection of solid waste to \$1.00/bag

Sponsors: David D'Arcangelo

Councillor D'Arcangelo said that he would like to begin with discussion of this paper, which scales back fees to \$1.00. He said it would take the \$2.00 bag and reduce it to \$1.00 and take the \$1.00 bags to \$.50 cents. He said that there had been some discussion of this over the summer and Councillor Kinnon was recommending that it be phased in. He said that could be done over any number of years. He said that Councillor Kinnon was recommending \$.25 over four years and he was hoping to discuss that proposal this evening. He said that there would be other issues like the bags that were already in stores and could not be reduced, as that would be unfair to merchants and that there might be some other unforeseen things that needed to be worked out. But, he said, he thought that it was time to let the people who voted in 2009 - 67% of those who turned out - that their voices had been heard. He said that phasing it in over time is rational and is a bridge to get us to the time when the current contract expires. He said that he had heard people saying that they were interested in a program similar to that in Revere or Medford. He said that was not practical under the contract and that this was a good compromise. He said that he thought it was important that the Council let people know that they were listening and that their votes matter.

Councillor Nestor asked if the amendment was to reduce bags by .25 each year to \$1.00?

Councillor D'Arcangelo said yes - that was the amendment he hoped someone would make. He said that, as currently written, it would reduce the cost to \$1.00 immediately.

Councillor Nestor asked if there was a break-down on the revenue impact.

Councillor D'Arcangelo said that revenue averaged roughly \$1.327. He said that \$1 was half of that, so it would be \$660,000. He said that a quarter of that would be \$220/year, but again, it might be different the first year. And, he said, they needed to make accommodations for the bags that were now being sold. He said that they might work on it over a number of weeks, bringing in the Controller and Treasurer to discuss the finer points.

Councillor Nestor asked if he was looking at making the money up through reserves.

Councillor D'Arcangelo said that could be one of the options. He said that it might be a combination of reserves and programs - that could be discussed. He said that he would say that they would work with the administration and leave that up to the full council.

Councillor Nestor asked if he would want it to become effective on January 1 or March 1st.

Councillor D'Arcangelo said that whatever the committee's pleasure was would be fine. He said that he did not know that it was going to be resolved this evening. He said that he wanted to determine if there was an appetite for this conceptually and, if there was, the committee could report it out and details could be worked out.

Councillor Nestor asked if the Advisory Committee recommended this.

Councillor D'Arcangelo said that was a good question. He said that the committee had done a good report but he forgot whether or not this was one of their recommendations. He said that maybe one of the members was present and they could ask him or her.

Councillor Spadafora said that he thought that this was a good start to looking at every avenue to reduce or eliminate fees. But, he said, he thought that Councillor Nestor had good points as to where the money would come from. He said that he thought that the first year might not be a problem, but as you go down the road toward a dollar, you would need the Controller to come in with some additional numbers. He said that he did not want to have JRM in because that was asking the fox to guard the henhouse but he wanted to look at tipping fees and if there would be an increase in fees going out three or four years. He said that was not to say that the \$.25 would have a major impact but it was something they would have to look at if they were looking to build a bigger picture. He said that he would like to have all the information before a decision was made.

Councillor Kinnon said that he was in favor of this for a number of reasons. He said that first, the Mayor had promised during his campaign to provide some free stuff, which they knew was not possible. He said that he then appointed an Advisory Committee whose suggested modifications were never implemented. He said that he thought that the revenue estimates were right in the ballpark and that there would be about \$125,000/year in lost revenue. He said that we were currently in a financial situation where - based on the audit latter dated December of 2014, which the Council had received 9 months later, on Page 2 paragraph 2, it said that there was a \$15.5 unassigned fund balance, which was up \$1.4 million from the prior year. He said that was in December. He said that when the Mayor came into office, it was approximately \$10 million. He said that meant that was had averaged about \$1 million a year in surplus. He said that they needed the money in 2008 and 2009 but when money sits around, it tended to be spent on things that really weren't needed. He said that dropping those fees now shows a good faith effort on the part of the Council to do what some had said that they were going to do, a good faith effort on the part of the Mayor to do at least something of what he said he was going to do and a good faith effort in terms of the modification that was promised by the Committee. He said that they could always stop if they were in hard time. But, he said that they should stop at a dollar because one of us knows how to continue the high level of recycling we had achieved without the incentive provided by the based. He said that we could not give that up but that we could give back a little.

Councillor DeMaria said that she agreed with Councillor Kinnon. She said that last year, there were a series of public forums regarding capping the cost of bags and it was unanimously decided that it should be. She said that she would like to explore through JRM the idea of a free barrel. She said that providing options were great and she

thought they should consider those things.

Councillor Matheson said that when this was adopted, he felt that it had been thrust upon the community and he didn't like it - he said that was not how government was meant to function. He said that, when the community voted and 2/3 of the voters were opposed, that should govern the community. He said that there was no government better than direct democracy. He said that now we were asked to trust our elected representatives to do the best for the community. He said that where we had 2/3 of the people say that this is not the law for us, he was very sympathetic to their position and he was one of the people who had voted against the blue bags. But, he said, now it was part of the budget and was spent before it was earned, as one budget rolled into the next. He said that there were a number of papers and different ideas here but that he thought that people deserved options to the blue bags. He said that he realized that we had created a culture of recycling and had reduced the amount of trash. He said that the cost on incinerating trash was a big cost to the city and that there was revenue from the bag sales. He said that the Advisory Committee had suggested a barrel option that we should provide. He said that as Citizen Matheson, he thought that the problem with the bags was that he tended to run out of them and his trash sat around, creating a stinky health hazard. He said that he knew that there were complaints that the bags were flimsy. He said that he thought that buying a barrel should be an option. He said that bags would still be necessary for overflow and could be used by the people who preferred them. He said that was a solution that he could support. He said that he thought that there was a solution to this issue and, when he assumed the presidency, this was one of the issues that he had highlighted as one that he would like to see resolved. He said that he needed to attend another meeting now but looked forward to hearing the vote and seeing how the full Council would vote.

He and Councillor Anderson left the meeting to attend the Appointments Committee meeting.

Councillor Kinnon said that there was an important point that he had neglected to make when he last spoke. The City had put a reserve policy in place that required that they maintain an amount equal to 7.5% of expenditures in reserve. He said that the \$150,000 that the committee was talking about would not impact that. He said that as of December, they had a reserve equal to 9.6% of expenditures - that was \$3.3 million in excess of what was required. So, he said, this won't break the bank in any given year. He said that he thought this was a reasonable approach and that they could always back off, if need be.

Councillor Nestor said that he had been trying to do the math and it appeared to come out between \$120,000 and \$160,000 in any given year, so he would be in favor of this. He asked Councillor D'Arcangelo as sponsor where he would like to head with this.

Councillor D'Arcangelo said that he was in favor reducing it for four years by \$.25/year. He said that he thought that there had been some good points raised and that any required modifications could be made in committee or Council. He said that he thought that they needed advice from the City Solicitor relative to the existing contract and more exact numbers from the Controller.

Councillor Nestor said that these were historical figures, so they should be accurate.

Councillor D'Arcangelo said that there were some questions about implementation and what happened at the start of the program. He said that he did not think that they were off by much - not be more than a few thousand dollars - but that they should be exact. He suggested that they report it out and let the full Council offer their input.

Councillor Nestor said that we were just talking about bags now. He said that he would make a motion that it be amended to be implemented over four years at a reduction of \$.25/year.

Councillor Spadafora said that he had a question about the \$1 bags - what would happen there.

Councillor D'Arcangelo said that they could be reduced to .75 in year two and .50 in year four. He said that he wouldn't touch the smaller 8 gallon bags.

Councillor Kinnon said that his comments were about \$2 bags. He said that he would not reduce the cost by .25 on \$1 bags because the margin was different. He said that he would go down by .10 a year. He said that the math was different on these bags and it should go down by a percentage.

Councillor D'Arcangelo said that he liked the glide path approach, too, because that meant that you were not assuming the full hit in any one year. But, he said, that would be something that the full Council could debate. He asked if there was a second to Councillor Nestor's motion.

Councillor Spadafora said that he would second it.

A motion was made by Vice Chair Nestor, seconded by Spadafora, that the Ordinance be recommended favorably with the following amendment: that the schedule of fees be stricken and the following inserted in place thereof:

Year 1 \$1.75

Year 2 \$1.50

Year 3 \$1.25

Year 4 \$1.00

[222-14](#)

Amending Section 9.28 of the Ordinances to eliminate fees for collection of Solid Waste

Sponsors: David D'Arcangelo

[223-14](#)

Amending Section 9.28c to provide for collection of 35 lbs of solid waste each week without a fee.

Sponsors: David D'Arcangelo

Other Business

Adjournment

At 6:44, the meeting was adjourned.