



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

June 13, 1988

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 27 relative to keeping Porter Square clean, enclosed please find copy of reports from the License Commission and the Public Works Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mbf
Enc.



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 498-9021

JAMES THADDEUS McDAVITT

Commission Chairman

ANTHONY G. PAOLILLO

Chief-of-Police Department
Commission Member

THOMAS V. SCOTT

Chief-of-Fire Department
Commission Member

RICHARD V. SCALI

Commission Executive Officer

TO: Robert W. Healy, City Manager

FROM: James McDavitt, License Commission Chair *JTM*

RE: Litter Control

DATE: June 10, 1988

Please be advised that pursuant to a recent Council Order, the following (8) persons met on June 2d to discuss litter/trash control in Cambridge.

1. James McDavitt, License Commission Chair
2. Richard Scali, License Commission Executive Officer
3. William Sommers, Public Works Commission
4. Joseph Cellucci, Inspectional Services Commissioner
5. Joseph Nicoloso, Chief Sanitary Code Inspector
6. Police Sergeant Martin Pimentel
7. Police Officer Joseph Moules
8. Ed O'Connell, of the Law Department

The letter from residents in Porter Square which I attach hereto was read by all in attendance.

It was the perception of those in attendance that the present system for litter/trash control is adequate with respect to the business premises actually owned or controlled by a food business. This is certainly true since the Inspectional Services Commissioner can revoke a food handler's permit administratively and quickly under the State Sanitary Code.

However, the present system for litter/trash control in public areas was deemed inadequate by those in attendance. A five point plan was therefore formulated to improve this situation, and this plan is now submitted to you for your consideration:

RECEIVED

88 JUN 13 PM 2:21

OFFICE OF THE CITY MANAGER

June 10, 1988

Page Two

1. Submit an ordinance to the City Council requiring "take-out only" food establishments to be licensed by the License Commission.
2. Ask the License Commission to enact a regulation requiring each licensed food establishment to clean up the sidewalk and gutter immediately adjacent to the licensed premises, at least once every fifteen minutes (or so.)
3. For the short term, submit an ordinance to the City Council allowing non-criminal disposition of litter/trash offenses by the District Court Clerk (under G.L.c. 40, s.21D). This Ordinance could authorize the citation of individual litterers

(i) by Police Officers and

(ii) by civilian city employees specifically designated by the Public Works Commissioner, the Inspectional Services Commissioner, or the License Commission Chairman.

A litter/trash offence would include littering, the early placing of refuse on a sidewalk, the use of plastic bags instead of plastic or metal barrels, and leaving a dumpster uncovered. It is unclear, however, how much assistance our overworked court system will be able to help us here, even with non-criminal dispositions.

4. For the long term, submit a home rule petition which would create a four person Litter Control Commission to be comprised of the Police Chief (or his designee), the Public Works Commissioner (or his designee), the Inspectional Services Commissioner (or his designee), and the License Commission Chair (or his designee). This commission would be given the authority to assess up to a \$300 fine:

(i) for the offense of littering in the public way or in a parking lot or other area to which the public is invited.

(ii) for the offense of depositing refuse in the public way either in a container which does not meet Sanitary Code standards or prior to the time allowed for refuse collection,

(iii) for the offense of depositing refuse on another's property or in another's dumpster, without authority, and

(iv) for leaving a dumpster uncovered.

June 10, 1988
Page Three

The home rule petition would specifically empower a police officer to arrest an offender who cannot satisfactorily identify himself or herself. The home rule petition would also provide that the Litter Control Commission would be empowered to designate by individual name or by category, those persons authorized to give out citations (or tickets) for a litter/trash offense.

5. For the long term, submit a second home rule petition to the City Council providing for an annual \$50 or \$100 tax to be imposed on every food service establishment. This tax would be used to help defray the cost of keeping Cambridge free of litter from food service establishments. The Commonwealth of Virginia imposes a similar tax on its food establishments.

The benefits of this five-point plan are many. It effectively and harmoniously uses the resources of all affected departments. Also, findings may be made by the city's own agency under the civil standard as to what is "probably true", as opposed to the criminal court's requirement of determining fault only when such a finding can be made "beyond a reasonable doubt." Finally, we would become more self-reliant; we would no longer be dependent on an overworked criminal court system to enforce litter/trash regulations, which were never given adequate attention due to the criminal court's need to give priority to handling street crimes.

The Town of Brookline has had some success with giving non-criminal tickets for violations of trash/litter ordinances. We therefore have some helpful precedent to follow in this area.

Please advise.

cc: Maura Smith



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Robert Healy,
City Manager

Date May 17, 1988

From William Sommers,
Commissioner, Public Works

Reference

Subject Resolution on Porter Square of 5/16/88
From Councillor Walsh and Russell

With respect to Section 4 of the attached resolution, we have already placed four additional barrels in the area and are working with neighborhood merchants to assist in the installation of additional trash receptacles which the merchants may purchase as part of their Porter Square Clean-up Program.



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 498-9021

JAMES THADDEUS McDAVITT

Commission Chairman

ANTHONY G. PAOLILLO

Chief-of-Police Department

Commission Member

THOMAS V. SCOTT

Chief-of-Fire Department
Commission Member

RICHARD V. SCALI

Commission Executive Officer

TO: Robert W. Healy, City Manager

FROM: James McDavitt, License Commission Chair *JTM*

RE: Litter Control

DATE: June 10, 1988

Please be advised that pursuant to a recent Council Order, the following (8) persons met on June 2d to discuss litter/trash control in Cambridge.

1. James McDavitt, License Commission Chair
2. Richard Scali, License Commission Executive Officer
3. William Sommers, Public Works Commission
4. Joseph Cellucci, Inspectional Services Commissioner
5. Joseph Nicoloso, Chief Sanitary Code Inspector
6. Police Sergeant Martin Pimentel
7. Police Officer Joseph Moules
8. Ed O'Connell, of the Law Department

The letter from residents in Porter Square which I attach hereto was read by all in attendance.

It was the perception of those in attendance that the present system for litter/trash control is adequate with respect to the business premises actually owned or controlled by a food business. This is certainly true since the Inspectional Services Commissioner can revoke a food handler's permit administratively and quickly under the State Sanitary Code.

However, the present system for litter/trash control in public areas was deemed inadequate by those in attendance. A five point plan was therefore formulated to improve this situation, and this plan is now submitted to you for your consideration:

June 10, 1988
Page Three

The home rule petition would specifically empower a police officer to arrest an offender who cannot satisfactorily identify himself or herself. The home rule petition would also provide that the Litter Control Commission would be empowered to designate by individual name or by category, those persons authorized to give out citations (or tickets) for a litter/trash offense.

5. For the long term, submit a second home rule petition to the City Council providing for an annual \$50 or \$100 tax to be imposed on every food service establishment. This tax would be used to help defray the cost of keeping Cambridge free of litter from food service establishments. The Commonwealth of Virginia imposes a similar tax on its food establishments.

The benefits of this five-point plan are many. It effectively and harmoniously uses the resources of all affected departments. Also, findings may be made by the city's own agency under the civil standard as to what is "probably true", as opposed to the criminal court's requirement of determining fault only when such a finding can be made "beyond a reasonable doubt." Finally, we would become more self-reliant; we would no longer be dependent on an overworked criminal court system to enforce litter/trash regulations, which were never given adequate attention due to the criminal court's need to give priority to handling street crimes.

The Town of Brookline has had some success with giving non-criminal tickets for violations of trash/litter ordinances. We therefore have some helpful precedent to follow in this area.

Please advise.

cc: Maura Smith



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Robert Healy,
City Manager

Date May 17, 1988

From William Sommers
Commissioner, Public Works

Reference

Subject Resolution on Porter Square of 5/16/88
From Councillor Walsh and Russell

With respect to Section 4 of the attached resolution, we have already placed four additional barrels in the area and are working with neighborhood merchants to assist in the installation of additional trash receptacles which the merchants may purchase as part of their Porter Square Clean-up Program.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 13, 1988

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 27 relative to keeping Porter Square clean, enclosed please find copy of reports from the License Commission and the Public Works Department.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

Agenda Item No. 16 S-422

Re: response to Awaiting Report Item 27 on
keeping Porter Square clean.

In City Council,

June 13, 1988

6-13-AA

Placed on file.